

**MEETING AGENDA
ENVIRONMENTAL PROTECTION COMMISSION
WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA
April 18, 1994**

~~Meeting convenes at 10:00 a.m., Monday, April 18, 1994, in the fourth floor conference room.~~

Public Participation

10:30 a.m.

Appointments:

1. Approve Agenda.
2. Approve Minutes of March 21, 1994.
3. Director's Report. (Wilson) Information.
4. Monthly Financial Status Report. (Kuhn) Information.
5. Monthly Reports. (Stokes) Information.
6. Urban Contamination Report. (Stokes) Information.
7. Air Quality Operating Permit Fee Analysis. (Stokes) Information.
8. Proposed Rule--Chapter 20, 21, 22, and 23, Air Quality Rule Updates. (Stokes) Information.
9. State Revolving Fund - Intended Use Plan - FY94. (Stokes) Information.
10. Notice of Intended Action--Chapter 81, Water Supply System and Wastewater Treatment Plants. (Stokes) Decision.
11. Notice of Intended Action--Chapter 61, Water Quality Standards - Numeric Water Quality Criteria. (Stokes) Decision.
12. Petition for Declaratory Ruling on 23.1(3)(a). (Stokes) Decision.

EPC Agenda - Page 2

13. Referrals to the Attorney General. (Stokes) Decision.

a) Smith Oil Company/Franklin Smith (Mt. Ayr)

delete

~~b) City of Carter Lake~~

14. General Discussion

15. Address Items for Next Meeting.

NEXT MEETINGS:

May 16, 1994

June 20, 1994

July 18, 1994

ENVIRONMENTAL PROTECTION COMMISSION

Monday, April 18, 1994

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

HARRIS SEIDEL JOINT OPERATOR CERTIFICATION COMMITTEE
(AMES)

BLOOMINGTON, IL

DANNY VEST

GROWMARK, INC.

Melody Faler

Cargill

Eddyville Ia.

Jim McClelland

PLK Co

Des Moines, IA

Jane B. McAllister Ahlers Law Firm

DSM

Tom Albertson

Lowu-Illinois Gas & Electric Co

Davenport

Dave Dooley

Midwest Power Systems

Sioux City

Perry Beeman

Dm Register

Dm

Amy Couch

Sullivan & Ward

Dm

David Thompson

Thompson Environmental

WDM

ROD NEWMAN

A-TEC RECYCLING, INC.

DES MOINES

STEVE BUYER

IES Industries

Cedar Rapids

TOM SHEBER

BROWN ENGINEERING Co.

WEST DES MOINES

Richard Kelley

UHL

DML

TACK CLARK

Iowa Utility Assoc

DSM

Michael Gibson

C.R. Gazette

DSM

Linda Kading

Iowa Assn of Mun. Util.

DSM

ENVIRONMENTAL PROTECTION COMMISSION

M

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

JOE NETTETON

SALSBURY CHEM

CHARLES CITY

RECORD COPY EPC Meeting
File Name. ADM-1-H May 16, 1994
Senders Initials JY.

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

APRIL 18, 1994

WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA

TABLE OF CONTENTS

Call to Order-----	1
Members Present-----	1
Members Absent-----	1
Adoption of Agenda-----	1
APPROVED AS AMENDED-----	1
Approval of Minutes-----	1
APPROVED AS PRESENTED-----	1
Commissioner Introduction-----	1
Director's Report-----	2
Monthly Financial Status Report-----	2
INFORMATIONAL ONLY-----	7
Monthly Reports-----	7
INFORMATIONAL ONLY-----	22
Public Participation-----	22
Jack Clark (air operating permit fees)-----	22
Tom Albertson (air operating permit fees)-----	22
Ron Newman (fluorescent lamp disposal)-----	24
Urban Contamination Report-----	24
INFORMATIONAL ONLY-----	25
Air Quality Operating Permit Fee Analysis-----	25
INFORMATIONAL ONLY-----	29
Proposed Rule--Chapter 20, 21, 22, and 23, Air Quality Rule Updates-----	29
INFORMATIONAL ONLY-----	30
State Revolving Fund - Intended Use Plan, FY 94-----	30
INFORMATIONAL ONLY-----	31
Notice of Intended Action--Ch. 81, Water Supply System and Wastewater Treatment Plants---	31
APPROVED AS PRESENTED-----	38
Notice of Intended Action--Chapter 61, Water Quality Standards - Numeric Water Quality Criteria-----	38

APPROVED AS PRESENTED -----	39
Petition for Declaratory Ruling on 23.1(3)(a) -----	39
PETITION DECLINED-----	41
Referrals to the Attorney General -----	41
Smith Oil Company, Franklin Smith -----	42
REFERRED -----	42
General Discussion -----	42
Commissioner Resignation -----	42
Legislative Update -----	42
Address Items for Nex Month -----	43
Next Meeting Dates -----	43
Adjournment-----	44

MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Hartsuck at 10:00 a.m. on Monday, April 18, 1994, in the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

William Ehm
Richard Hartsuck, Chairperson
Rozanne King
Charlotte Mohr
Kathryn Murphy
Nancylee Siebenmann, Secretary

MEMBERS ABSENT

Verlon Britt
Gary Priebe
Clark Yeager, Vice-Chairperson

ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Delete: Item #13-B - Referral for City of Carter Lake

Motion was made by Rozanne King to approve the agenda as amended. Seconded by Charlotte Mohr. Motion carried unanimously.

APPROVED AS AMENDED

APPROVAL OF MINUTES

Motion was made by Charlotte Mohr to approve the meeting minutes of March 21, 1994, as presented. Seconded by Rozanne King. Motion carried unanimously.

APPROVED AS PRESENTED

COMMISSIONER INTRODUCTION

Chairperson Hartsuck introduced Kathryn Murphy as the newly appointed member of the Environmental Protection Commission and welcomed her to the department.

DIRECTOR'S REPORT

Larry Wilson, Director, reported on a recent article in the Des Moines Sunday Register about teaching businesses to reuse and recycle. He related that it was a very good article and contained information about the department's recycling program and the WRAP program.

Director Wilson called attention to case summaries distributed to the Commissioners covering a number of Landfill Alternative Grants that have been provided since the program has been in place. He related that more of these reports will be provided to the Commission in the future.

Director Wilson reported that the legislature is still in session and the department's budget still has not been approved. He added that Don Paulin will give an up-to-date report on legislative bills when he returns from the Capitol today.

MONTHLY FINANCIAL STATUS REPORT

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Staff will present a division-level year-to-date expenditure status report. The financial schedule will be provided to the commissioners separately when available as of the end of March.

IOWA DEPARTMENT OF NATURAL RESOURCES Division Expenditure Status Report, March 31, 1994

Director's Office

EXPENSE	FY94 BUDGET	YTD BUDGET Mar. 31, 1994	YTD ACTUAL Mar. 31, 1994	UNDER(OVER) BUDGET
PERS SERV	993,316	764,853	723,290	41,563
PERS TRV IN	52,150	34,784	23,971	10,813
STATE VEHICL	8,431	6,323	3,148	3,175
DEPRECIATION	12,450	9,338	5,790	3,548
PERS TRV OUT	8,900	5,936	4,816	1,120
OFF SUPPLY	89,050	59,396	62,586	(3,190)
FAC MAINT SU	3,000	2,001	974	1,027
EQUIP MAINT	6,850	4,569	2,906	1,663
OTHER SUPPLY	57,150	38,119	30,106	8,013
PRINT & BIND	312,431	208,391	190,108	18,283
UNIFORMS	800	534	306	228
COMMUNICATIO	29,100	19,410	13,931	5,479
RENTALS	500	334	396	(63)
UTILITIES	750	500	133	367
PROF SERV	110,216	64,256	63,916	340
OUTSIDE SERV	24,100	16,075	15,326	749
ADVER PUB	10,000	6,670	0	6,670
DATA PROC	14,050	9,371	5,153	4,218
REIMBURSEMENT	6,175	4,119	318	3,801
EQUIPMENT	33,817	19,715	22,077	(2,362)
OTHER EXP	2,600	1,734	0	1,734
Totals	1,775,836	1,276,429	1,169,251	107,178

Note: \$60,000 is encumbered for equipment & printing.

Administrative Services Division

EXPENSE	FY94 BUDGET	YTD BUDGET Mar. 31, 1994	YTD ACTUAL Mar. 31, 1994	UNDER(OVER) BUDGET
PERS SERV	3,669,678	2,825,652	2,770,441	55,211
PERS TRV IN	53,550	35,718	25,977	9,741
STATE VEHICL	59,000	44,250	36,914	7,336
DEPRECIATION	80,500	60,375	51,125	9,250
PERS TRV OUT	7,300	4,869	4,784	85
OFF SUPPLY	315,255	210,275	229,235	(18,960)
FAC MAINT SU	21,000	14,007	1,780	12,227
EQUIP MAINT	52,000	34,684	37,615	(2,931)
OTHER SUPPLY	14,300	9,538	8,202	1,336
PRINT & BIND	14,500	9,672	14,305	(4,634)
UNIFORMS	2,500	1,668	1,444	224
COMMUNICATIO	93,100	62,098	64,090	(1,992)
RENTALS	500	334	254	80
UTILITIES	0	0	527	(527)
PROF SERVICES	0	0	14,205	(14,205)
OUTSIDE SERV	78,650	52,460	22,610	29,850
ADVER PUB	500	334	0	334
DATA PROC	91,700	61,164	105,498	(44,334)
AUDITOR REIM	150,000	100,050	80,784	19,266
REIMBURSEMENT	118,150	78,806	65,729	13,077
EQUIPMENT	189,508	110,483	85,965	24,518
OTHER EXP	550,000	400,000	383,632	16,368
LICENSES	50	0	0	0
Totals	5,561,741	4,116,435	4,005,116	111,319

Note: Approximately \$60,000 is encumbered, primarily for equipment purchases.

The overage in data processing and professional services results

from costs involved in updating the DNR's PC LAN.

This is being offset by savings in a variety of areas, primarily staffing.

Parks, Preserves, and Recreation Division

EXPENSE	FY94 BUDGET	YTD BUDGET Mar. 31, 1994	YTD ACTUAL Mar. 31, 1994	UNDER(OVER) BUDGET
PERS SERV	4,452,081	3,428,102	3,369,869	58,233
SEASONAL HELP	1,175,473	764,057	834,062	(70,005)
PERS TRV IN	61,775	41,204	53,134	(11,930)
STATE VEHICL	202,800	152,100	168,820	(16,720)
DEPRECIATION	294,000	220,500	227,445	(6,945)
PERS TRV OUT	7,685	5,126	3,046	2,080
OFF SUPPLY	46,700	31,149	20,260	10,889
FAC MAINT SU	454,800	265,148	331,037	(65,889)
EQUIP MAINT	299,999	200,099	236,976	(36,877)
PROF SUPPLY	1,000	667	0	667
AG CONS SUPP	30,000	20,010	14,680	5,330
OTHER SUPPLY	42,994	28,677	21,186	7,491
PRINT & BIND	33,000	22,011	14,573	7,438
UNIFORMS	46,277	30,867	15,928	14,939
COMMUNICATIO	105,502	70,370	63,626	6,744
RENTALS	34,900	23,278	22,400	878
UTILITIES	390,951	260,764	296,131	(35,367)
PROF SERV	74,000	49,358	48,048	1,310
OUTSIDE SERV	185,352	123,630	129,491	(5,861)
ADVER PUB	2,550	1,701	568	1,133
DATA PROC	6,000	4,002	2,861	1,141
REIMBURSEMENT	2,475	1,651	2,407	(756)
EQUIPMENT	152,378	88,836	138,400	(49,564)
OTHER EXP	4,700	3,135	1,162	1,973
LICENSES	697	465	432	33
Totals	8,108,089	5,836,908	6,016,542	(179,634)

Note: Budget overages primarily result from flood cleanup costs. \$53,000 of these costs have been already recovered and will offset this overage. More recovery is expected before July. An additional \$130,000, primarily equipment and facility maintenance, is encumbered.

Forests and Forestry Division

EXPENSE	FY94 BUDGET	YTD BUDGET Mar. 31, 1994	YTD ACTUAL Mar. 31, 1994	UNDER(OVER) BUDGET
PERS SERVICES	1,732,551	1,334,064	1,312,032	22,032
SEASONAL HELP	105,826	68,787	55,036	13,751
PERS TRV IN	44,500	29,682	22,012	7,670
STATE VEHICL	92,500	69,375	52,761	16,614
DEPRECIATION	139,700	104,775	100,025	4,750
PERS TRV OUT	8,800	5,870	3,034	2,836
OFF SUPPLY	20,300	13,540	12,345	1,195
FAC MAINT SU	44,000	29,348	37,863	(8,515)
EQUIP MAINT	57,000	38,019	38,664	(645)
PROF SUPPLY	500	334	0	334
AG CONS SUPP	129,000	86,043	111,358	(25,315)
OTHER SUPPLY	39,900	26,613	28,899	(2,286)
PRINT & BIND	15,500	10,339	5,414	4,925
UNIFORMS	16,100	10,739	3,795	6,944
COMMUNICATIO	43,669	29,127	21,571	7,556
RENTALS	35,000	23,345	11,376	11,969
UTILITIES	37,000	24,679	18,790	5,889
OUTSIDE SERV	77,000	51,359	26,394	24,965
ADVER PUB	1,000	667	376	291
DATA PROC	3,300	2,201	1,405	796
REIMBURSEMENT	550	367	377	(10)
EQUIPMENT	140,822	82,099	47,274	34,825
Totals	2,784,518	2,041,371	1,910,801	130,570

Note: Budget overage in "AG CONS SUPP" is primarily related to tree seed purchases in the fall and is normal. \$65,000 is encumbered for equipment, maintenance, and similar items.

Energy and Geological Resources Division

EXPENSE	FY94 BUDGET	YTD BUDGET Mar. 31, 1994	YTD ACTUAL Mar. 31, 1994	UNDER(OVER) BUDGET
PERS SERV	2,390,834	1,840,942	1,750,246	90,696
PERS TRV IN	42,875	28,598	15,113	13,485
STATE VEHICL	20,850	15,638	10,097	5,541
DEPRECIATION	33,570	25,178	19,470	5,708
PERS TRV OUT	37,300	24,879	26,735	(1,856)
OFF SUPPLY	18,900	12,606	25,118	(12,512)
FAC MAINT SU	4,450	2,968	854	2,114
EQUIP MAINT	16,250	10,839	1,807	9,032
PROF SUPPLY	2,900	1,934	977	957
OTHER SUPPLY	41,850	27,914	13,241	14,673
PRINT & BIND	60,725	40,504	22,831	17,673
COMMUNICATIO	43,000	28,681	26,066	2,615
RENTALS	350	233	2,164	(1,931)
UTILITIES	13,500	9,005	12,525	(3,521)
PROF SERV	1,019,773	594,528	283,451	311,077
OUTSIDE SERV	39,075	26,063	8,503	17,560
ADV & PUBLICITY		0	285	(285)
DATA PROC	27,750	18,509	9,290	9,219
REIMBURSEMENT	7,390	4,929	2,566	2,363
EQUIPMENT	126,119	73,527	53,417	20,110
OTHER EXP	2,600	1,734	4,639	(2,905)
Totals	3,950,061	2,789,209	2,289,395	499,814

Note: The division is significantly under budget in Professional Services because several planned contracts for the Energy program have not been awarded yet, and because of slow billing of several other contractual obligations. \$48,000 is encumbered for equipment purchases and supply items.

Environmental Protection Division

EXPENSE	FY94 BUDGET	YTD BUDGET Mar. 31, 1994	YTD ACTUAL Mar. 31, 1994	UNDER(OVER) BUDGET
PERS SERV	7,618,462	5,866,216	5,790,366	75,850
PERS TRV IN	84,800	56,562	31,656	24,906
STATE VEHICL	57,000	42,750	29,038	13,712
DEPRECIATION	65,000	48,750	46,620	2,130
PERS TRV OUT	101,202	67,502	44,209	23,293
OFF SUPPLY	74,500	49,692	53,519	(3,828)
FAC MAINT SU	5,600	3,735	541	3,194
EQUIP MAINT	14,200	9,471	8,218	1,253
PROF SUPPLY	21,350	14,240	0	14,240
OTHER SUPPLY	38,200	25,479	18,002	7,477
PRINT & BIND	41,250	27,514	36,042	(8,528)
UNIFORMS	3,500	2,335	1,573	762
COMMUNICATIO	134,800	89,912	92,846	(2,934)
RENTALS	66,700	44,489	43,687	802
UTILITIES	23,650	15,775	12,257	3,518
PROF SERV	2,099,648	1,224,095	750,765	473,330
OUTSIDE SERV	80,300	53,560	53,557	3
ADVER PUB	8,000	5,336	3,986	1,350
DATA PROC	251,200	167,550	109,701	57,849
REIMBURSEMENT	25,600	17,075	11,218	5,857
EQUIPMENT	446,093	260,072	88,965	171,107
OTHER EXP	9,500	6,337	8,650	(2,314)
Totals	11,261,055	8,092,109	7,226,766	865,343

Note: Professional Services is significantly under budget, primarily in the 319 water planning program. \$50,000 is encumbered for equipment & printing.

Fish and Wildlife Division

EXPENSE	FY94 BUDGET	YTD BUDGET Mar. 31, 1994	YTD ACTUAL Mar. 31, 1994	UNDER(OVER) BUDGET
PERS SERV	11,572,522	8,910,842	8,964,165	(53,323)
SEASONAL HELP	755,530	491,095	439,335	51,760
PERS TRV IN	333,170	222,224	216,722	5,502
STATE VEHICL	464,936	348,702	383,085	(34,383)
DEPRECIATION	727,480	545,610	508,135	37,475
PERS TRV OUT	29,400	19,610	24,840	(5,230)
OFF SUPPLY	299,118	199,512	262,778	(63,266)
FAC MAINT SU	475,227	316,976	240,530	76,446
EQUIP MAINT	334,436	223,069	218,202	4,867
AG CONS SUPP	344,075	229,498	171,390	58,108
OTHER SUPPLY	96,607	64,437	79,290	(14,853)
PRINT & BIND	191,666	127,841	75,193	52,648
UNIFORMS	133,275	88,894	54,998	33,896
COMMUNICATIO	188,950	126,030	148,617	(22,587)
RENTALS	66,035	44,045	34,936	9,109
UTILITIES	214,716	143,216	145,298	(2,082)
PROF SERV	334,000	194,722	89,717	105,005
OUTSIDE SERV	121,912	81,315	110,701	(29,386)
ADVER PUB	23,000	15,341	1,384	13,957
DATA PROC	53,200	35,484	56,852	(21,368)
REIMBURSEMENT	158,450	105,686	30,324	75,362
EQUIPMENT	682,039	397,629	232,202	165,427
OTHER EXP	600	400	1,326	(926)
LICENSES	300	200	46	154
Totals	17,600,644	12,932,379	12,490,066	442,313

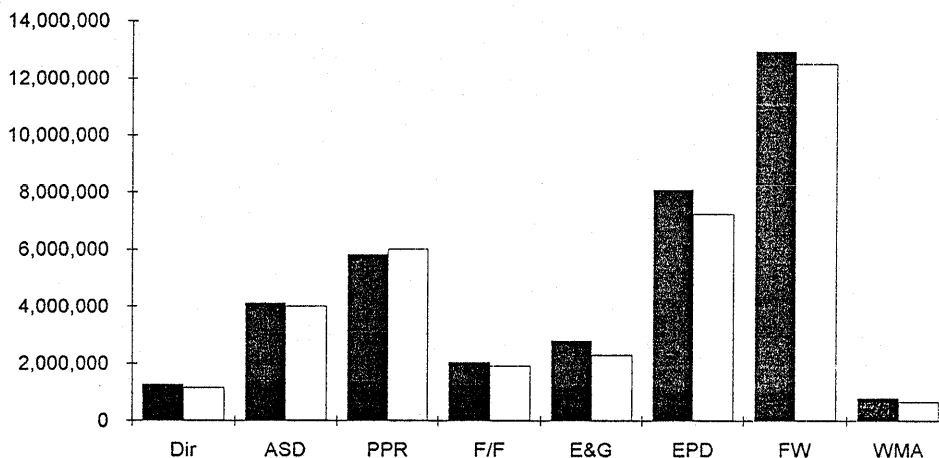
Note: \$350,000 is encumbered, in addition to expenditures shown, primarily for equipment, printing, supplies, and facility maintenance.

Waste Management Assistance Division

EXPENSE	FY94 BUDGET	YTD BUDGET Mar. 31, 1994	YTD ACTUAL Mar. 31, 1994	UNDER(OVER) BUDGET
PERS SERV	716,525	551,724	533,821	17,903
PERS TRV IN	28,200	18,809	15,497	3,312
PERS TRV OUT	47,270	31,529	17,648	13,881
OFF SUPPLY	6,679	4,455	4,091	364
EQUIP MAINT	950	634	0	634
OTHER SUPPLY	18,050	12,039	7,313	4,726
PRINT & BIND	81,794	54,557	17,592	36,965
COMMUNICATIO	20,660	13,780	8,623	5,157
RENTALS	0	0	798	(798)
PROF SERV	143,190	95,508	42,727	52,781
OUTSIDE SERV	9,140	6,096	8,500	(2,404)
DATA PROC	5,020	3,348	3,269	79
REIMBURSEMENT	16,950	11,306	6,958	4,348
EQUIPMENT	2,200	1,283	0	1,283
OTHER EXP	5,200	3,468	4,639	(1,171)
Totals	1,101,828	808,537	671,476	137,061

Note: \$16,000 obligated for printing and supply items.

DNR Division Budget Status, March 31, 1994



Mr. Kuhn noted that the Parks Division is making progress with FEMA recovery. He related that if the nice weather continues, especially over Memorial Weekend, there will be an increase in camping revenues.

In response to Commissioner Mohr's inquiry last month about the overbudgeting in Administration, Mr. Kuhn related that it is mostly due to postage. He further explained that any mailings with postage costs under \$50 are charged to Administration and any job over that amount is charge back to the individual cost center. He added that the small jobs tend to add up and Office Supplies also account for some of the problem in that they account for 1.6% of the total budget.

Discussion followed in regard to asking people to take their litter out of the parks when they leave. Director Wilson stated that the "Bring Your Own Bag" program, which encourages people to take their litter with them when they leave, was implemented at the state parks last year and it saved the department \$30,000.

INFORMATIONAL ONLY

MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT
April 1, 1994

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	FINAL SUMMARY TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULE EFFECTIVE
1. Ch. 20, 21, 22, 23 - Air Quality Rule Updates	*5/16/94	*6/08/94	*7/ /94	*7/ /94	*8/15/94	*8/15/94	*9/14/94	*10/19/94
2. Ch. 22 - Voluntary Operation Permits - Air Quality	3/21/94	4/13/94	*5/ /94	*5/24/94 *5/25/94 *5/26/94	*6/20/94	*6/20/94	*7/20/94	*8/24/94
3. Ch. 50, 51 - Agricultural Drainage Well Permits	*5/16/94	*6/08/94	*7/ /94	*7/ /94	*8/15/94	*8/15/94	*9/15/94	*10/19/94
4. Ch. 61 - Water Quality Stds. Numeric WQ Criteria	4/18/94	*5/13/94	*6/ /94	*6/ /94	*7/18/94	*7/18/94	*8/17/94	*9/21/94
5. Ch. 67 - Sewage Sludge	2/21/94	3/16/94	4/11/94	*4/18/94 *4/19/94 *4/20/94 *4/21/94	*5/16/94	*5/16/94	*6/08/94	*7/13/94
6. Ch. 72 - Flood Plain Development - Protected Streams Variance Criteria	3/21/94	4/13/94	*5/ /94	*5/03/94	*6/20/94	*6/20/94	*7/20/94	*8/24/94
7. Ch. 81 - Water Supply Systems; Wastewater Treatment Plants	4/18/94	*5/13/94	*6/ /94	*6/03/94	*7/18/94	*7/18/94	*8/17/94	*9/21/94
8. Ch. 103, 111 - Landfill Financial Assurance	2/21/94	3/16/94	4/11/94	4/06/94	*5/16/94	*6/20/94	*7/20/94	*6/15/94
9. Ch. 134 - Registration of Groundwater Professionals	2/21/94	3/16/94	4/11/94	4/05/94 4/06/94 4/07/94	*5/16/94	*5/16/94	*6/08/94	*7/13/94

* Projected

==Page : 1 / 1 ==

During the period March 1, 1994 through March 31, 1994, reports of 69 hazardous conditions were forwarded to the central office. Two incidents are highlighted below. A general summary and count by field office is attached. This does not include releases from underground storage tanks, which are reported separately.

Date Reported and County	Material, Amount, Cause, Location & Impact	Responsible Party	Response
03/04/94 Des Moines	Jet A fuel was discovered spilling from an overflow tank onto a concrete apron at an airport in Burlington. Some product soaked into the soil, but no waterways were impacted.	Remmer Aviation Summer Street Rd. Burlington, IA	The Burlington Fire Department responded to the site. Absorbent was applied to the spilled product. Contaminated soil will be excavated from the site and properly disposed.
03/11/94 Cherokee	An 18,000 AST containing 28% nitrogen was discovered leaking at a coop in Cleghorn. No environmental impact occurred because the tank is surrounded by secondary concrete containment.	First Farmer's Coop 133 Lewis Avenue Cleghorn, IA	Coop employees used pumps and portable tanks to remove free product from the containment area. Absorbent material was spread around the portable tanks as a precaution during cleanup.

Environmental Protection Commission Minutes

April 1994

Substance						Mode				
Month	Total Incidents	Petroleum Product	Agri - Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
October	56(83)	37(54)	6(8)	13(21)	34(51)	0(0)	20(25)	0(2)	0(0)	2(5)
November	52(74)	34(46)	3(7)	15(21)	30(38)	3(1)	14(26)	0(0)	1(0)	4(9)
December	41(67)	30(41)	2(9)	9(17)	23(37)	0(2)	14(28)	2(0)	0(0)	2(0)
January	67(61)	47(47)	3(0)	14(17)	38(37)	1(1)	23(21)	2(1)	2(0)	1(6)
February	57(61)	38(47)	3(0)	16(14)	29(32)	2(1)	22(21)	2(1)	0(0)	2(6)
March	69(71)	42(46)	6(4)	21(21)	44(45)	0(2)	14(21)	2(1)	3(1)	6(1)
April										
May										
June										
July										
August										
September										

Total Number of Incidents Per Field Office This Period:

(numbers in parentheses for the same period in fiscal year '93)

1	2	3	4	5	6
12	11	8	5	20	13

REPORTS OF RELEASES FROM UNDERGROUND STORAGE TANKS

During the period of March 1, 1994 through March 31, 1994, the following number of releases from underground storage tanks were identified.

43 (22)

The number in parentheses represents the number of releases during the same period in Fiscal Year 1993.

NUMBER OF LUST CLEANUPS COMPLETED

During the period of March 1, 1994 through March 31, 1994, the following number of LUST cleanups were completed:

9 (693)

The number in parentheses represents the total number of LUST cleanups through March 31, 1994.

NUMBER OF LOW RISK SITES APPROVED

During the period of March 1, 1994 through March 31, 1994, the following number of low risk sites were approved:

35 (289)

The number in parentheses represents the total number of low risk LUST sites through March 31, 1994.

E94Apr-9

Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Club Elvis, West Burlington (6)	Drinking Water	Operation Without Permit	Amended Order Rescinded	3/09/94
Allan Winder d/b/a Winder Trucking Co.; Sully Transport, Inc., Coralville (6)	Wastewater Hazardous Condition	Prohibited Discharge; Failure to Notify	Order/Penalty	3/09/94
Twice Over Clean, Inc., Davenport (6)	Air Quality	Asbestos	Order Penalty	3/09/94
Corydon Community Development Corp., Corydon (5)	Air Quality	Asbestos	Order/Penalty	3/09/94
Kelly Kiefler d/b/a Kiefler Built, Inc., Kanawha (2)	Air Quality	Construction Without Permit	Order/Penalty	3/09/94
Galva Union Elevator Co., Galva (3)	Underground Tank	Site Assessment	Order/Penalty	3/09/94
Ida Grove Farm Supply d/b/a Circle Farm Supply Co., Galva (3)	Underground Tank	Site Assessment	Order/Penalty	3/09/94
Don Carlson d/b/a Carlson Oil Co., Armstrong (3)	Underground Tank	Site Assessment; Monitoring Deficiencies	Referred to AG	3/21/94
Louis Saak d/b/a Saak Oil Co., Baxter (5)	Underground Tank	Site Assessment	Referred to AG	3/21/94
American Asbestos Training Center, Ltd., Monticello (1)	Air Quality	Asbestos	Referred to AG	3/21/94
Advanced Technologies, Corp., Cedar Falls (1)	Air Quality	Asbestos	Referred to AG	3/21/94
Economy Solar Corporation, Waterloo (1)	Air Quality	Asbestos	Referred to AG	3/21/94
Waterloo Community School District, Waterloo (1)	Air Quality	Asbestos	Referred to AG	3/21/94

SUBJECT: Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Ron Jungling d/b/a Jungling Texaco (Wellsburg)	UT	550	11-18-92
Marvin Kruse d/b/a K & C Feeds (Luana)	UT	300	12-01-92
Don Grell d/b/a Dodger Enterprise (Ft. Dodge)	AQ	10,000	2-16-93
Duane Pospisil d/b/a Duane's Service (Lisbon)	UT	1,000	5-04-93
Franklin Raymond (Pacific Junction)	UT	300	7-07-93
Eddie Hemmer (Jones County)	AQ/SW	600	8-01-93
*Delano's Lounge (Washington)	WS	425	9-01-93
Melvin Foubert d/b/a Mel's Repair Service (What Cheer)	UT	400	12-13-93
Richard Waugh d/b/a Dick's Apco Car Wash (Hampton)	UT	885	12-13-93
Stan Simmer d/b/a Tire City (Des Moines)	UT	600	12-21-93
*63-80 Cafe (Moore Oil Co.) (Malcom)	WS	200	1-20-93
Dennis Malone & Joanne Malone (Morning Sun)	UT	600	2-28-94
William Hatch d/b/a R & R Convenience Store (Central City)	UT	2,480	2-28-93
K-Service, Inc.; Kirkendall Enterprises, et.al. (Sloan)	UT	1,440	2-28-94
B & R Insulation, Inc. (Middletown)	AQ	500	3-14-94
Carter Lake, City of	WS	1,700	3-14-94
Kurt & Mary Marzofka; John & Shirley Riordan (Sabula)	UT	500	3-31-94
Smith Oil Co.; Franklin Smith (Mt. Ayr)	UT	600	3-31-94
Bob L. Petry (Council Bluffs)	UT	400	4-03-94
Jay Browns d/b/a Browns Service (Murray)	UT	1,272	4-04-94
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Olsen's Water System (Hamilton Co.)	WS	100	4-16-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	4-22-94
Phil McMains d/b/a MEDA (Moulton)	AQ	1,000	5-01-94
Galva Union Elevator Co. (Galva)	UT	3,100	5-14-94
Kelly Kiefler d/b/a Kiefler Built, Inc. (Kanawha)	AQ	1,000	5-14-94
Ida Grove Farm Supply Co. d/b/a Double Circle Farm Supply Co. (Galva)	UT	2,300	5-15-94
Allan Winder d/b/a Winder Trucking Co.; Supply Transport, Inc. (Coralville)	WW/HC	4,000	-----
TOTAL		31,252	

Environmental Protection Commission Minutes

April 1994

The following cases have been referred to the Attorney General:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
OK Lounge (Marion)	WS	448	11-01-87
Richard Davis (Albia)	SW	1,000	2-28-88
Eagle Wrecking Co. (Pottawattamie Co.)	SW	300	5-07-89
*Twelve Mile House (Bernard)	WS	119	5-20-89
*Lawrence Payne (Ottumwa)	SW	425	6-19-89
William L. Bown (Marshalltown)	SW	1,000	10-01-89
Wellendorf Trust (Algona)	AQ/SW	460	2-12-90
Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Gerald G. Pregler (Dubuque Co.)	SW	1,000	9-02-90
Donald R. Null (Clinton Co.)	AQ/SW	1,000	9-06-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Fred Varner (Worth Co.)	SW	950	4-11-91
Honey Creek Camping Resort (Crescent)	WS	245	6-13-91
F.R. Thomas/F.R. Thomas, Jr. d/b/a Clair View Acres Store (Delhi)	WS	1,000	8-04-91
*M & W Mobile Home Park (Muscatine)	WW	200	8-21-91
Vern Starling (Boone Co.)	SW	690	9-15-91
Lloyd Dunton (Iowa Co.)	SW	300	11-07-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Bernard Sadler/Ger-Mar Farms (Allamakee Co.)	SW	500	3-28-92
Kenneth Bode (Mills Co.)	SW	300	4-27-92
V.R. Dillingham d/b/a Barb's Service (Everly)	UT	600	5-21-92
Leonard Page d/b/a Kent Store (Kent)	UT	300	5-25-92
Tandem Oak Park Associates (Ft. Dodge)	WS	405	6-03-92
Dick White (Washington County)	AQ	250	8-15-92
Central Paving Corporation (Indianola)	UT	300	8-20-92
Robert Plendl d/b/a Plendl Trucking (Kingsley)	UT	300	10-15-92
Shirley Pecoy d/b/a Joe's Place (Sexton)	UT	300	10-19-92
Rankin Roofing & Siding Co. (Knoxville)	AQ	500	11-09-92
William D. Ames (Woodbury Co.)	SW	1,000	1-20-93
Tony Hoyt d/b/a Lake Wilderness (Lee Co.)	SW	1,000	1-23-93
Bernard Gavin Veterinary Clinic (Wellsburg)	UT	600	5-02-92
Tim Sharp (Newton)	UT	1,000	1-25-93
Jack Link Truck Line, Inc. (Dyersville)	UT	300	1-25-93
David Young d/b/a Sierp Oil Co. (Casey)	UT	300	2-10-93
Carson Grain & Implement (Coggon)	UT	1,000	8-03-92
Dale Hall d/b/a Hall Oil Co. (Des Moines)	UT	300	7-06-93
Robert Bodwell (Winterset)	UT	300	7-07-93
Richard Newman (Des Moines Co.)	SW	500	11-01-93
Don Carlson d/b/a Carlson Oil Co. (Armstrong)	UT	800	12-14-93
Louis Saak d/b/a Saak Oil Co. (Baxter)	UT	1,560	12-25-93

TOTAL 23,521

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Amoco Oil Co. (Des Moines)	UT	1,000
Amoco Oil Co. (West Des Moines)	UT	1,000
Sioux City, City of	WW	1,000
Des Moines, City of	HC	1,000
Van Dusen Airport Services (Des Moines)	HC	1,000
Chicago & North Western Transportation, et.al.	SW	1,000
Joe Eggers, Jr., et.al. (St. Ansgar)	SW	1,000
McDowell Dam #1 (Lee Co.)	FP	500
McDowell Dam #2 (Lee Co.)	FP	500
Oskaloosa Food Products Corp. (Oskaloosa)	WW	1,000
Oskaloosa, City of	WW	1,000
Wiota, City of	WS	500
Hickory Hollow Water Co. (Ankeny)	WS	400
White Consolidated/Frigidaire Co. (Jefferson)	WW	1,000
William H. Viner (Emerson)	UT	600
Humboldt County Sanitary Landfill Commission	SW	1,000
Wayne Transportation, Inc. (Greene)	WW	1,000
Mulgrew Oil Company (Dubuque)	HC	500
John Staub d/b/a Mr. Convenient (Burlington)	UT	600
Charles Kerr (Sloan)	UT	600
Stringtown Country Cafe (Lenox)	WS	1,000
Lincoln Farm and Home Service (Henderson)	WW	1,000
Chickasaw Co. SLF, et.al. (Chickasaw Co.)	SW	1,000
Plymouth Cooperative Oil Co. (Hinton)	WW	1,000
LaVerne Rehder (Union)	UT	300
Randy Bonin/Vickie Brannick (Hardin Co.)	SW	500
Dean Hoeness d/b/a Hoeness & Sons (Winterset)	UT	300
Decatur, City of	UT	600
Case Power and Equipment (Decorah)	WS	500
King's Terrace Mobile Home Court (Ames)	WW	500
ITWC, Inc. (Malcom)	AQ	1,000
Lloyd Decker (Floyd Co.)	SW	1,000
Eldon Krambeck (Scott Co.)	AQ	1,000
Waucoma, City of	WS	200
Tracy Below (Hardin Co.)	WW	1,000
Grand Laboratories, Inc. (Larchwood)	WW	1,000
Frank Hulshizer (Benton Co.)	SW	500
Cargill, Inc. (Eddyville)	SW/WW	1,000
Land Renu, Inc. (Rockwell City)	SW	1,000
Holnam Inc. (Mason City)	AQ	5,000
Henning Wood Products, Inc. (Winneshiek Co.)	SW	500
Cyclone Steeple Jacks Inc. (Nevada)	AQ	1,000
Wells Dairy, Inc. (LeMars)	WW	5,000
LeMars, City of	WW	5,000

E94Apr-11

Fine Oil Co.; John and Diane Fine (Appanoose Co.)	AQ/HC/WW	10,000
Economy Solar Corp. (Monticello)	AQ	100
Phil McMains (Appanoose Co.)	SW	4,000
Crane Co. d/b/a Crane Valves (Washington Co.)	SW	500
Donald Udehl (Plymouth Co.)	SW	1,000
Daisy H. Gridley Conservatorship, et.al. (Union Co.)	SW	1,000
Graham Tire Co. of Spencer (Spencer)	UT	1,100
Mel-Ray Mobile Home Park (Ankeny)	WW	500
Thomas L. Burt, et. al. (Butler Co.)	SW	1,000
Oakwood Park Water, Inc. (Ankeny)	WS	1,000
U.S. Dept. of Defense (Sioux City)	UT	5,720
Blue Spruce Feedlots, Inc. (Pottawattamie Co.)	WW	5,000
Valley Restaurant/Sierp Oil/Mary & Carl Sierp (Villisca)	UT	5,000
Valley Restaurant/Sierp Oil/Robert Radford (Villisca)	UT	2,300
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840
Orlo Stewart, et.al. (Webster Co.)	SW	1,000
Porcine-New Way Co.	WW	4,000
George Krakow; Elmer Krakow (Marengo)	UT	1,275
J.P. Scherrman, Inc. (Farley)	UT	1,160
Walnut Grove Water Company (Davenport)	WS	2,000
Lester D. Davis & Evelyn McKelvogue (Warren Co.)	AQ/SW	5,000
Waverly Gravel & Ready-Mix aka Shell Rock Sand & Gravel (Shell Rock)	AQ	3,000
Anderson Excavating & Wrecking Co. (Waterloo)	AQ	1,000
Farmers Hybrid Companies, Inc. (Keokuk Co.)	WW	4,500
L.F. & Betty Everett; Vern Barker & Donald Knotts, d/b/a Barker & Knotts Construction; and Gene Philips (Ottumwa)	AQ	10,000
Eli Shada (Anamosa)	UT	1,328
Low Moor, City of	AQ	6,000
Asbestrol, Inc. (Decorah)	AQ	500
Home Asbestos & Lead Abatement Services (Johnston)	AQ	2,000
James and Robert Brock d/b/a B & B Oil (Ringsted)	UT	1,685
M and D Tire Processing, Inc. (Decatur Co.)	SW	10,000
Merrill, City of	AQ	5,000
Harold Lee (Keokuk Co.)	WW	3,300
Walterman Implement, Inc. (Grundy Co.)	AQ	1,000
Riverside Plating Company (Shell Rock)	WW	1,500
Economy Solar Corp. (Monticello)	AQ	5,000
Lyle Lorensen (Garwin)	HC	4,000
Technical Asbestos-Control, Inc. (Davenport)	AQ	1,000
Toys "R" Us, Inc. (Davenport)	UT	5,560
Coastal Mart, Inc.-Store #1081 (Davenport)	UT	5,320
John Deere Company (Waterloo)	AQ	1,000
Enviro Safe Air, Inc. (Sioux City)	AQ	2,000
Paul Nagle d/b/a Cyclone Steeple Jacks (Nevada)	AQ	4,000
Waste Management & Design, Inc. (Webster City)	WW	10,000
Parkwest, Ltd.; Wilbur Numelin; Ricky Lee Anderson (Clear Lake)	UT	2,280
Country Stores of Carroll, Ltd.; Roger Kanne (Carroll)	UT	10,000
Elite, Ltd.; Roger Kanne; James Pietig (Coon Rapids)	UT	3,500
Elite, Ltd.; Roger Kanne; James Pietig (Logan)	UT	3,288
HiWay Texaco, Ltd.; Roger Kanne; Rick Kanne (Bagley)	UT	5,000
Solvay Animal Health, Inc. (Charles City)	AQ/SW	5,000
Cedar Rapids, City of; YWCA (Cedar Rapids)	AQ	3,000
Iowa-Illinois Thermal Insulation; American Demolition Corp. (Cedar Rapids)	AQ	6,000
Arlo Becker d/b/a Becker's Auto Salvage (Benton Co.)	AQ	3,000
Corydon Community Development Corp. (Corydon)	AQ	3,000
Terry Beaird d/b/a Curry Environ. Services (Marion)	AQ	4,000
Twice Over Clean, Inc. (Davenport)	AQ	1,000
TOTAL		188,356

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Randy Foth d/b/a Foth Lumber Company (Livermore)	AQ	500
Nichii Company of America, Inc. (Jefferson)	AQ	3,000
Sac County Golf and Country Club (Wall Lake)	WS	200
Rich Seidenfeld d/b/a Seidenfeld Metals (Des Moines)	AQ	5,000
Swine Graphics Enterprises, L.P. (Monroe Co.)	WW	2,500
VanVeen Construction, Inc.; Sheldon Thompson; and DeLong Sportswear, Inc. (Jasper Co.)	SW	1,000
Dennis Doud d/b/a D & D Tire (Moravia)	UT	363
Casey's General Stores, Inc. (Grundy Center)	UT	3,400
TOTAL		15,963

The \$300 penalty assessed to Club Elvis (West Burlington) has been rescinded.

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
April 1, 1994

Name, Location and Region Number		Program	Alleged Violation	DNR Action	New or Updated Status	Date
Advanced Technologies Corp. Cedar Falls (1)	New	Air Quality	Asbestos	Referred to Attorney General	Referred	3/21/94
American Asbestos Training Center, Ltd. Monticello (3)	New	Air Quality	Asbestos	Referred to Attorney General	Referred	3/21/94
Ames, William D. Woodbury County (3)		Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed	2/15/93 9/17/93
Ampel Corporation Des Moines (5)		Air Quality	Construction Without Permit Permit Conditions	Referred to Attorney General	Referred Petition Filed	12/20/93 2/21/94
Bodwell, Robert Winterset (5)		Underground Tank	Site Assessment	Order/Penalty	Referred	2/21/94
Carlson, Don d/b/a Carlson Oil Co. Armstrong (3)	New	Underground Tank	Site Assessment	Order/Penalty	Referred	3/21/94
Carney, Don and Gertrude Ft. Dodge (2)		Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed	4/15/91 3/25/92
Carson Grain & Implement Co. Coggon (1)		Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed	10/18/93 12/09/93
Chicago & Northwestern Transportation Co. Blue Chip Enterprises Hawkeye Land Company Iowa Falls (2)		Hazardous Condition	Remedial Action	Order	Petition for Judicial Review Petition for Judicial Review Petition for Judicial Review Order/Change Venue to Hardin Co. Oral Arguments Order Affirmed Supreme Court Appeals Filed	8/19/91 8/14/91 9/16/91 11/21/91 3/10/93 4/23/93 5/23/93
Cota Industries, Inc. Des Moines (5)		Hazardous Condition	Remedial Action	Order	Referred Petition for Judicial Review Order Granting Motion to Dismiss Notice of Appeal Affirmed by Supreme Court Petition Filed	4/15/91 4/18/91 7/23/91 8/13/91 10/21/92 4/16/93
Des Moines, City of (5) v. IDNR		Solid Waste	DNR Defendant	Defense	Petition Filed Application for Stay DNR Answer	1/18/94 1/18/94 2/08/94
Doud, Dennis D & D Tire Company Moravia (5)		Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed	5/17/93 7/30/93
Dunton, Lloyd Iowa County (6)		Solid Waste	Illegal Disp.	Order/Penalty	Referred Petition Filed	12/16/91 8/26/92
Ecology Enterprises, Inc; Hollis D. DeVoe; Michael Murray; Robert Rausch Chickasaw County (1)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed	6/15/92 3/04/93
Economy Solar Corp. Springville (1)	New	Air Quality	Asbestos	Referred to Attorney General	Referred	3/21/94

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
April 1, 1994

Name, Location and Region Number		Program	Alleged Violation	DNR Action	New or Updated Status	Date
Ervin, Don Webster County (2)		Solid Waste	Operation Without Permit	Order/Penalty	Referred Judgment for \$1,000 Execution & Order to Levy Application to Condemn Funds Partial Payment Received (\$331)	4/16/90 7/13/90 9/28/90 11/27/90 11/30/90
			Permit Violations	Referred to Attorney General	Referred Temporary Injunction Order of Contempt Order Granting Stay Contempt Reversed (Court of Appeals) Application for Further Review Supreme Ct. Reversed Ct of Appeals Order to Serve Sentence Application for Hearing Order Denying Reconsideration of Sentence Trial Date	9/16/91 9/18/91 12/20/91 12/26/91 9/29/92 10/16/92 2/17/93 3/17/93 3/18/93 3/19/93 1/ / 95
Gavin, Bernard Gavin Veterinary Clinic Wellsburg (2)	Updated	Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed Judgment on Deferral (\$1,000/Civil; \$600/Admin; Injunction)	5/17/93 7/28/93 3/28/94
Giese Construction Co. Ft. Dodge (2)		Solid Waste Air Quality	Illegal Dis- posal; Open Burning	Referred to Attorney General	Referred Petition Filed Trial Date	5/29/92 3/26/93 6/14/94
Giese Construction Co. Ft. Dodge (2)		Hazardous Cond Wastewater	Site Contamination	Referred to Attorney General	Referred Petition Filed Trial Date	1/19/93 3/26/93 6/14/94
Hall, Dale Des Moines (5)		Underground Tank	Site Assessment	Order/Penalty	Referred	2/21/94
Halsne, Grant d/b/a Halsne, Inc. Decorah (1)		Underground Tank	Site Assessment	Order	Referred Petition Filed	10/18/93 12/06/93
Harrison County Board of Supervisors (4)		Solid Waste	Operating Violations	Referred to Attorney General	Referred	2/21/94
Hoyt, Tony L. d/b/a Lake Wilderness Camp Lee County (6)	Updated	Solid Waste Air Quality	Illegal Disposal Open Burning	Order/Penalty	Referred Petition Filed Summary Judgment Hearing Trial Date Ruling (\$5,000/Civil; \$1,000/Admin; Injunction)	2/15/93 4/15/93 3/07/94 4/26/94 3/21/94
International Hydroform Pella (5)		Underground Tank	Remedial Action	Order	Referred Petition Filed	5/17/93 1/18/94
Jack Link Truck Line, Inc. Dyersville (1)		Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed	5/17/93 1/07/94
Jarvis, Marjorie and Terry Strong Council Bluffs (4)		Underground Tank	Closure Investigation	Order	Referred Petition Filed	11/15/93 2/14/94
Landfill of Des Moines, Inc. Des Moines #4 (5)		Solid Waste	Compliance Schedule, Other	Order/Penalty	Referred Petition Filed Trial Date	12/16/91 9/01/92 7/06/94
Landfill of Des Moines, Inc. Des Moines #5 (5)		Solid Waste	Compliance Schedule, Other	Order/Penalty	Referred Petition Filed Trial Date	5/18/92 9/01/92 7/06/94

Environmental Protection Commission Minutes

April 1994

DEPARTMENT OF NATURAL RESOURCES
 ENVIRONMENTAL PROTECTION COMMISSION
 ATTORNEY GENERAL REFERRALS
 April 1, 1994

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)	Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed	2/17/92 12/21/92
Bob McKiniss Excavating & Grading v. IDNR	Hazardous Condition	DNR Defendant	Defense	Suit Filed DNR Motion to Dismiss Ruling on Motion to Dismiss and Bifurcation Ruling on Phase I Trial	3/12/91 5/01/91 3/26/92 9/01/93
McNear, Wilbur; Dennis Stoner; Jack & Betty Hawn (4)	Underground Tank	Site Assessment	Referred to Attorney General	Referred	2/21/94
Moore, Ron d/b/a 63-180 Cafe Malcom (5)	Drinking Water	Mtrg/Rprt Nitrate; Other	Order/Penalty	Referred Payment Schedule (\$1,000/Admin.)	11/16/92 4/02/93
Newman, Richard Des Moines Co. (6)	Solid Waste	Operating Violations	Order/Penalty	Referred	2/21/94
Northwood Cooperative Elevator; Worth Co. Co-op Oil Amoco v. IDNR	Hazardous Condition	DNR Defendant	Defense	Suit Filed DNR Answer Consolidation Order Suit Filed DNR Answer Consolidation Order Suit Filed DNR Answer Consolidation Order	12/07/92 12/28/92 1/05/93 12/07/93 12/28/92 3/10/93 12/15/92 1/04/93 3/10/93
Plendl, Robert B. Plendl Brothers Trucking Kingsley (3)	Underground Tank	Closure Investigation	Order/Penalty	Referred	5/17/93
Pringle, Michael and Brenda d/b/a Follet's Tap Camanche (6)	Updated Drinking Water	Mtrg/Rprt. Bacteria/Nitrate	Referred to Attorney General	Referred Petition Filed Consent Decree (\$2,000/Civil & Injunction) Motion to Vacate Judgment Motion Denied	6/15/92 3/05/93 2/04/94 2/16/94 2/28/94
Pruess, Harlan Cedar Co. (6)	Hazardous Condition	Clean-Up Costs	Defense	Suit Filed DNR Answer	7/27/93 8/13/93
Rudd, Harlan d/b/a Rudd Bros. Tires Drakesville (6)	Updated Underground Tank	Closure Investigation	Order	Referred Groundwater Sampling	12/20/93 3/24/94
Saak, Louis d/b/a Saak Oil Co. Baxter (5)	New Underground Tank	Site Assessment	Order/Penalty	Referred	3/21/94
Sadler, Bernard and Ger Mar Farms, Inc. Allamakee Co. (1)	Updated Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Trial Date Consent Decree (\$742.50/Civil; Injunction)	9/21/92 12/24/92 3/02/94 3/07/94
Schultz, Albert and Iowa Iron Works Ely (1)	Solid Waste	Open Dumping	Referred to Attorney General	Referred Suit Filed	9/20/89 8/08/90
Starling, Vern Perry (5)	Solid Waste	Illegal Disposal	Order	Referred Petition Filed Trial Date	11/16/92 4/14/93 3/24/94
Troutman, Jerry L. & Richard Van Buren Co. (6)	Solid Waste	Illegal Disposal	Order	Referred Petition Filed	10/18/93 2/15/94
Waterloo, City of (1)	Wastewater	Discharge Limits	Referred to Attorney General	Referred Petition Filed	11/15/93 12/30/93
Waterloo Community School District Waterloo (1)	New Air Quality	Asbestos	Referred to Attorney General	Referred	3/21/94

April 1994

Environmental Protection Commission Minutes

DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION ATTORNEY GENERAL REFERRALS April 1, 1994

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Winterset, City of (5)	Updated	Wastewater	Effluent Limits	Referred to Attorney General	Referred Petition Filed Trial Date
					7/20/92 3/23/93 10/11/94
Yentes, Clifford Council Bluffs (4)	Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed	4/20/92 11/23/92
Young, David Sierp Oil Company Casey (5)	Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed	5/17/93 12/14/93

DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION CONTESTED CASES April 1, 1994

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-23-86	Oelwein Soil Service	Administrative Order	WW	-----	Hearing continued.
2-05-88	Warren County Brenton Bank	Administrative Order	UT	Wornson	Awaiting revised SCR.
10-20-88	Worth Co. Co-Op Oil Northwood Cooperative Elevator Sunray Refining and Marketing Co.	Administrative Order	HC	Murphy	Ruling on dismissal/intervention 11/16/92. Petition for Judicial Review. Judicial review hearing continued.
1-25-89	Amoco Oil Co. - Des Moines 7LTY03	Administrative Order	UT	Wornson	Final offer sent.
5-01-89	Amoco Oil Co. - West Des Moines	Administrative Order	UT	Wornson	Final offer sent.
6-08-89	Shaver Road Investments	Site Registry	HW	Murphy	Settlement proposed.
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Murphy	Settlement proposed.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Murphy	Hearing continued. Discovery initiated.
6-22-89	Chicago & Northwestern Transportation Co. Hawkeye Land Co. Blue Chip Enterprises	Administrative Order	HC	Murphy	District court affirms Dept. - 4/23/93. Appealed to Iowa Supreme Court.
10-24-89	Farmers Cooperative Elevator Association of Sheldon	Site Registry	HC	Murphy	Settlement near.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Murphy	Hearing continued pending negotiations.
4-23-90	Sioux City, City of	Administrative Order	WW	Hansen	Amended order to be issued.
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	-----	Settlement proposed.
5-14-90	Van Dusen Airport Services	Administrative Order	HC	-----	Compliance initiated.
5-14-90	Alter Trading Corp. (Council Bluffs)	Administrative Order	SW	Kennedy	Negotiating before filing.
5-15-90	Des Moines, City of	Administrative Order	HC	-----	Hearing continued. Settlement proposed.
6-20-90	Des Moines, City of	NPDES Permit Cond.	WW	Hansen	City response under review by EPD.

Environmental Protection Commission Minutes

April 1994

DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION CONTESTED CASES April 1, 1994

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
7-02-90	Keokuk Savings Bank and Trust Keokuk Coal Gas Site	Site Registry	HW	-----	Hearing continued.
7-30-90	Key City Coal Gas Site; Murphy Trust & Howard Pixler	Site Registry	HW	-----	Decision appealed (Pixler). Motion to intervene denied 2/17/91 (Murphy Trust)
8-01-90	J.I. Case Company	Site Registry	HW	Preziosi	Hearing set for 5/4/94.
9-10-90	IBP, inc. Columbus Junction	Administrative Order NPDES Permit	WW	Hansen	Appealed to Polk Co. District Court. Judgment for DNR. Appealed to Supreme Court. Briefs submitted. Oral arguments heard by Court of Appeals. Judgment for DNR affirmed by Court of Appeals. Judgment final - no further appeal to Supreme Court.
9-12-90	Michael & Joyce Haws; George H. Gronau	Administrative Order	UT	Wornson	New party has assumed liability. Will dismiss case upon completion of SCR.
9-20-90	Duane Schwarting	Variance Denial	SW	Kennedy	Hearing continued.
10-15-90	Westside General Store Corp.	Administrative Order	UT	Wornson	Settlement letter sent to attorney.
10-18-90	Harlan Pruess	Claim	HC	Murphy	Proposed decision - 2/18/93. Appealed to EPC. Affirmed/modified - 6/21/93. Appealed to Cedar County District Court.
12-03-90	United States Gypsum Co. Smitty's Oil	Site Registry	HC	Preziosi	Negotiating before filing.
12-04-90	United States Gypsum Co. Sperry	Administrative Order	SW	Kennedy	Negotiating before filing.
12-27-90	McAtee Tire Service, Inc.	Administrative Order	SW	Kennedy	Hearing continued.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Administrative Order	SW	Kennedy	Hearing continued to further order.
1-09-91	Iowa Southern Utilities	Administrative Order	HC	Preziosi	Hearing continued indefinitely. Working towards settlement.
1-28-91	McDowell Dam #1 & #2	Administrative Order	FP	Clark	Negotiating before filing.
3-22-91	Mitchell Bros. Boars and Gilts	Administrative Order	WW	Murphy	Negotiating before filing.
5-09-91	Oskaloosa Food Products Corp.	Administrative Order	WW	Hansen	To be sent to DIA to be set for hearing.
5-16-91	Oskaloosa, City of	Administrative Order	WW	Hansen	Admin. Consent Order sent to City for signatures.
5-20-91	Great Rivers Coop--Lockridge	Site Registry	HC	Murphy	Settlement proposed.
7-15-91	Des Moines Independent School District - North High School	Site Registry	HC	Murphy	Settlement proposed.
7-24-91	Alter Trading Corp. (Davenport)	Administrative Order	SW	Kennedy	Negotiating before filing.
7-27-91	Chicago North Western; Dennis Bell; Phillips Petroleum; Amoco Oil Co.	Administrative Order	HC	Murphy	Hearing continued. Compliance nearing completion.
9-25-91	Archer Daniels Midland	Administrative Order	SW	Kennedy	Negotiating before filing.
1-07-92	Wiota, City of	Administrative Order	WS	Hansen	2/93 revised report reviewed by WS - new schedule proposed.
1-17-92	Hickory Hollow Water Co.	Administrative Order	WS	Hansen	Settlement offer to WS. Counter offer 7/13/93. Dept. response on 8/3/93. Facility response 8/11/93. 12/93 Dept. letter to attorney. Construction permit issued for fluoride removal.
1-30-92	Center Oil Co., Inc.	Administrative Order	HC	Murphy	Negotiating before filing.
2-28-92	William H. Viner	Administrative Order	UT	Wornson	Consent order drafted. Awaiting execution. Attorney contacted regarding response.

E94Apr-17

April 1994

Environmental Protection Commission Minutes

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
April 1, 1994

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
3-30-92	White Consolidated Industries	Administrative Order	WW	Hansen	Negotiating before filing.
4-07-92	Humboldt Co. Sanitary Landfill	Administrative Order	SW	Kennedy	Hearing continued until further order.
4-09-92	Wayne Transports, Inc.	Administrative Order	WW	Murphy	Negotiating before filing.
4-15-92	Mulgrew Oil Co.	Administrative Order	HC	Wornson	Negotiating before filing.
4-24-92	Charles A. Kerr	Administrative Order	UT	Wornson	Financial inability claimed. Requesting document.
4-30-92	Poweshiek Water Assoc.	Administrative Order	WS	Hansen	Negotiating before filing.
5-05-92	Plymouth Cooperative Oil Co.	Administrative Order	WW	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	Negotiating before filing.
5-15-92	Heartland Lysine, Inc.	Tax Certification	AQ	Preziosi	Negotiating before filing.
5-27-92	Beckett Chevrolet-Olds	Administrative Order	UT	Wornson	Financial inability claimed. Request documents.
6-23-92	Chickasaw County Board of Supervisors, Chickasaw Co. SLF	Administrative Order	SW	Kennedy	Negotiating before filing.
7-01-92	Des Moines Independent School District-North High	Administrative Order	WW	Murphy	Settlement proposed.
8-06-92	Randy Bonin and Vickie Brannick	Administrative Order	SW	Kennedy	Negotiating before filing.
8-24-92	Dean Hoeness d/b/a Hoeness & Sons	Administrative Order	UT	Wornson	Financial inability claimed. Request documents.
9-03-92	Case Power and Equipment	Administrative Order	WS	Hansen	Case proposal to resolve appeal to Dept.
9-21-92	Buffalo Bill Estates, Inc.	Administrative Order	WS	Clark	Settlement close.
9-21-92	ITWC	Administrative Order	AQ	Preziosi	Negotiating before filing.
9-22-92	King's Terrace MHP	Administrative Order	WW	Hansen	Negotiating before filing.
10-06-92	Lloyd Decker	Administrative Order	SW	Kennedy	Negotiating before filing.
10-12-92	Eldon Krambeck	Administrative Order	AQ	Preziosi	Settlement close.
10-16-92	Ron Jungling d/b/a Jungling Service	Administrative Order	UT	Wornson	Compliance except for penalty. Sent settlement letter.
11-13-92	Tracy Below	Administrative Order	WW	Clark	Hearing continued.
11-16-92	Grand Laboratories Inc.	Administrative Order	WW	Hansen	Unacceptable revised work plan submitted. Request acceptable plan by 4/29/94.
11-16-92	Frank Hulshizer	Administrative Order	SW	Kennedy	Negotiating before filing.
11-23-92	Cargill, Inc.	Administrative Order	SW/WW	Kennedy	Informal meeting 12/4/92.
12-14-92	Quantum	Permit Conditions	WW	Hansen	3/30/93 Dept. settlement offer made. 5/03/93 - response from company. Company collecting data. Company response submitted 12/93.
12-14-92	Gary Lalor	Administrative Order	AQ/SW	Kennedy	Settled.
1-12-93	Chicago & North Western Transportation Co.	Administrative Order	HC	Wornson	Negotiating before filing.
1-22-93	Pirelli Armstrong Tire Co.	Administrative Order	SW	Kennedy	Negotiating before filing.
1-28-93	Midway Oil Company (Indianola)	Administrative Order	UT	Wornson	Sent settlement letter.

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
April 1, 1994

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-28-93	Raven Corp.; Midway Oil Co. (Toledo)	Administrative Order	UT	Wornson	Negotiating penalty.
1-29-93	Case Corporation	Permit Conditions	WS	Hansen	3/1/93 Case proposal to DNR to resolve appeal.
2-19-93	TRS Industries, Inc.; City of Des Moines	Administrative Order	SW	Kennedy	Decision received 9/13/93. Appealed to EPC. Affirmed 12/20/93. Petition for judicial review.
3/09-93	James, William d/b/a Bill James Agencies	Administrative Order	SW	Kennedy	Negotiating before filing.
3/11/93	Land Renu, Inc.	Administrative Order	SW	Wornson	Compliance complete. Negotiating penalty.
3/15/93	Pat Benjamin	Administrative Order	UT	Wornson	Financially unable. Federal LUST \$\$ Withdrawn.
3/19/93	Holnam Inc.	Administrative Order	AQ	Preziosi	Settlement close.
3/29/93	Henning Wood, Inc.	Administrative Order	SW	Kennedy	Settlement meeting continued.
4/05/93	Cyclone Steeple Jacks, Inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.
4/05/93	Mapleton, City of	WW Operator Certification	WW	Hansen	Under review by EPD - letter drafted.
4/09/93	Economy Solar Corp.	Administrative Order	AQ	Preziosi	EPC decision in favor of DNR.
4/09/93	Fine Oil Co., Inc.	Administrative Order	AQ/HC WW	Preziosi	Settlement reached pending submission of certain financial documents.
4/09/93	Wells Dairy, Inc.	Administrative Order	WW	Hansen	12/27/93 Amended settlement proposed by Wells Dairy.
4/12/93	LeMars, City of	Administrative Order	WW	Hansen	Plan of action submitted. Reviewed by EPD. Construction permit issued. 2/94-Schedule submitted by City for remaining construction.
4/16/93	Phil McMains	Administrative Order	SW	Kennedy	Negotiating before filing.
4/19/93	Council Bluffs, City of	Permit Conditions	WW	Hansen	Under review by EPD.
4/21/93	Donald Udell	Administrative Order	SW	Kennedy	Negotiating before filing.
4/26/93	Crane Co.	Administrative Order	SW	Kennedy	Negotiating before filing.
5/23/93	Fellmer Motors	Administrative Order	FP	Clark	Negotiating before filing.
6/01/93	Graham Tire Co. of Spencer	Administrative Order	UT	Wornson	Compliance completed. Penalty offer made.
6/17/93	Leo Schachtner ; Lawrence Schmitz, Gerald Schmitz, Duane Schmitz, Vernon Schmitz, and Ruth Ann Frieders	Permit Issuance	FP	Clark	Hearing continued.
6/21/93	Jacobs Energy Corp., Inc.	Permit Denial	AQ	Preziosi	Negotiating before filing.
6/29/93	Mel-Ray MHP and Sales	Administrative Order	WW	Clark	Negotiating before filing.
7/02/93	Merlyn Stanbrough; Donna Stanbrough	Administrative Order	SW	Kennedy	Appeal to be withdrawn.
7/06/93 7/28/93	Dennis E. Good Berniece K. Nease	Administrative Order	UT	Wornson	Negotiating before filing.

April 1994

Environmental Protection Commission Minutes

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
April 1, 1994

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
7/09/93	Oakwood Park Water, Inc.	Administrative Order	WS	Hansen	Proposal by facility's attorney 7/13/93. Response by Dept. 8/3/93. Response by facility 8/11/93. 12/93 Dept. letter to attorney. Construction permit issued 2/94.
7/20/93	Valley Restaurant/Sierp Oil; Mary & Carl Wierp; and Robert Radford	Administrative Order	UT	Wornson	Compliance with SCR initiated.
7/23/93	Blue Spruce Feedlots, Inc.	Administrative Order	WW	Clark	Negotiating before filing.
7/27/93	Trust Trucking Co.	Administrative Order	UT	Wornson	Negotiating before filing.
8/03/93	Grain Processing Corp.	Administrative Order	AQ	Preziosi	Area declared nonattainment. Hearing continued indefinitely.
8/06/93	Muscatine Power & Water	Administrative Order	AQ	Preziosi	Area declared nonattainment. Hearing continued indefinitely.
8/06/93	Monsanto	Administrative Order	AQ	Preziosi	Settlement close. Drafting consent order.
8/23/93	Walnut Grove Products	Permit Denial	AQ	Preziosi	Settled.
8/24/93	Green Valley Chemical	Permit Conditions	WW	Hansen	Company to do stream survey 8/94.
9/09/93	Ames Transit Authority	Permit Conditions	AQ	Preziosi	Negotiating before filing.
9/29/93	Charles W. Sharp	Permit Issuance	FP	Clark	Negotiating before filing.
10/11/93	West Central Cooperative	Permit Denial	AQ	Preziosi	Negotiating before filing.
10/15/93	Bedford, City of	Plant Classification	WW	Hansen	Under review by EPD.
10/22/93	Club Elvis	Administrative Order	WS	Hansen	Amended order issued resolving appeal.
10/25/93	Porcine-New Way Co.	Administrative Order	WW	Clark	Negotiating before filing.
11/04/93	Silver City	Permit Conditions	WS	Clark	Negotiating before filing.
11/05/93	George Krakow & Elmer Krakow f/d/b/a Krakow Bros.	Administrative Order	UT	Wornson	Penalty letter sent.
11/15/93	J.P. Scherrman, Inc.	Administrative Order	UT	Wornson	Penalty letter sent.
11/16/93	Iowa Southern Utilities	Permit Conditions	AQ	Preziosi	Settlement close.
11/17/93	Osceola, City of	Permit Conditions	WW	Hansen	Variance request by City regarding monitoring requirements. Under review by EPD.
11/22/93	Walnut Grove Water Co.	Administrative Order	WS	Hansen	Settlement offer sent to company's attorney.
11/22/93	Casey's General Stores Grundy County	Administrative Order	UT	Wornson	Settled.
12/13/93	Lester R. Davis and Evelyn McKelvogue	Administrative Order	AQ/SW	Kennedy	Settlement pending.
12/23/93	Waverly Gravel & Ready-Mix aka Shell Rock Sand and Gravel	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/03/94	Farmers Hybrid Co., Inc.	Administrative Order	WW	Clark	Negotiating before filing.
1/06/94	L.F. Everett and Betty Everett	Administrative Order	AQ	Preziosi	Settlement conference set for 3/04/94.
1/07/94	Ell Shada	Administrative Order	UT	Wornson	Negotiating before filing.
1/11/94	Low Moor, City of	Administrative Order	AQ	Preziosi	Settled.
1/13/94	James and Robert Brock d/b/a B & B Oil Co.	Administrative Order	UT	Wornson	Negotiating before filing.
1/18/94	M & D Tire Processing, Inc.	Administrative Order	SW	Kennedy	Settlement pending.
1/18/94	Merrill, City of	Administrative Order	AQ	Preziosi	Negotiating before filing.

Environmental Protection Commission Minutes

April 1994

DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION CONTESTED CASES April 1, 1994

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1/19/94	Cottage Reserve Corp.	Permit Conditions	WS	Clark	Negotiating before filing.
1/20/94	Gene Phillips d/b/a Phillips Sanitation	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/27/94	Archer-Daniels-Midland	Permit Conditions	AQ	Preziosi	Negotiating before filing.
2/02/94	John Deere Waterloo Works	Tax Certification	WW	Hansen	Negotiating before filing.
2/07/94	Waltermen Implement, Inc.	Administrative Order	AQ	Preziosi	Settled.
2/09/94	Harold Lee	Administrative Order	WW	Clark	Negotiating before filing.
2/10/94	Lyle Lorensen	Administrative Order	UT	Wornson	Follow-up with attorney regarding penalty.
2/11/94	Technical Asbestos Control	Administrative Order	AQ	Preziosi	Negotiating before filing.
2/14/94	Economy Solar Corp 94-AQ-04	Administrative Order	AQ	Preziosi	Negotiating before filing.
2/15/94	Riverside Plating	Administrative Order	WW	Hansen	Settlement offer received from company regarding penalty.
2/21/94	Toys "R" Us	Administrative Order	UT	Wornson	Compliance initiated. Penalty appealed.
2/25/94	Gregory A. Meyer	GW Prof. Denial	UT	Wornson	Settled.
2/25/94	Phil McMains d/b/a M.E.D.A.	Administrative Order	AQ	Preziosi	Negotiating before filing.
2/25/94	John Deere Waterloo Works	Administrative Order	AQ	Preziosi	New case.
2/28/94	Coastal Mart Davenport	Administrative Order	UT	Wornson	Compliance complete. Settle penalty.
3/01/94	Parkwest Ltd.; Wilbur Humelin; Ricky Lee Anderson	Administrative Order	UT	Wornson	New case.
3/01/94	Enviro Safe Air, Inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.
3/02/94	Waste Mgmt. & Design, Inc.	Administrative Order	WW	Clark	New case.
3/03/94	Burlington Northern Railroad	Tax Certification	WW	Hansen	New case.
3/03/94	Paul Nagle d/b/a Cyclone Steeple Jacks	Administrative Order	AQ	Preziosi	Negotiating before filing.
3/08/94	Country Stores of Carroll, Ltd.; Elite Ltd.; Roger Kanne; James Pietig (Logan) (Coon Rapids)	Administrative Order	UT	Wornson	New case.
3/10/94	Solvay Animal Health, Inc.	Administrative Order	AQ/SW	Kennedy	Settlement pending.
3/15/94	Ames, City of	Permit Conditions	WS	Hansen	Under review by WS section.
3/15/94	Iowa-Illinois Thermal Insulation, Inc.	Administrative Order	AQ	Preziosi	New case.
3/16/94	Cedar Rapids, City of; Cedar Rapids YMCA	Administrative Order	AQ	Preziosi	New case.
3/17/94	Arlo Becker d/b/a Becker's Auto Salvage	Administrative Order	AQ	Kennedy	Settlement pending.
3/23/94	Corydon Community Development Corp.	Administrative Order	AQ	Preziosi	New case.
3/28/94	Twice Over Clean, Inc.	Administrative Order	AQ	Preziosi	New case.

E94Apr-21

Mr. Stokes reviewed the public meeting dates and locations for the Protected Streams Rules public hearings.

Commissioner Mohr commended Mr. Stokes on the large amount of publicity now distributed on these rules.

Mr. Stokes stated that he will provide the Commission with a summary of the comments received at the public hearings, with a copy also going to the General Assembly and the Administrative Rules Review Committee. He noted that there is a separate set of rules going through rulemaking with the proposed additional amendments to clarify items the Commission chose to clarify.

Discussion followed regarding various items in the reports and also the amount of time cases take to go through the whole process of enforcement.

INFORMATIONAL ONLY

PUBLIC PARTICIPATION

Jack Clark (air operating permit fees)

Jack Clark, Iowa Utility Association, addressed the Commission stating that at the February meeting the Commission considered the Title V Operating Permit Program rules under the Clean Air Act, and in the Utility Association's comments they asked that the Commission reduce the amount of fees collected to more closely reduce the surplus of fees collected. He related that Mr. Stokes suggested that the fee could be reduced from \$29.39/ton to \$24/ton and still provide adequate funds to carry out the program, and the Commission approved the reduced fee. Mr. Clark noted that as a result of that change, EPA has delayed the approval of the State plan. He stated that they also had asked the Commission to consider the equity of the fee allocation and suggested utilizing a per facility cap as opposed to a per pollutant cap. He related that they received a copy of the DNR staff report on this subject last week and he believes it illustrates the inequity of the concerns he raised. He encouraged the Commission and staff to continue to explore this area.

Tom Albertson (air operating permit fees)

Tom Albertson, Iowa-Illinois Gas and Electric Company, distributed copies of the following written statement which he presented to the Commission:

"Good morning, I am Tom Albertson, Superintendent, Environmental Services Division with Iowa-Illinois Gas and Electric Company, headquartered in Davenport, Iowa. I would like to address Item No. 7 on the Commission's agenda, Air Quality Operating Permit Fees Analysis.

During the February Commission meeting, the Commission reviewed staff's proposal for final rules to implement state air quality operating permit requirements, and subsequently approved these rules. At that meeting, several commenters urged the Commission to evaluate the funding mechanism proposed by staff, in terms of level and equity. The Commission revised the funding level, but deferred the question of funding equity until staff completed an analysis of the permit fees. That analysis is Agenda Item 7.

As a member of the industry task group that worked with staff in development of these permit rules, I appreciate the Commission requesting the analysis. The task group spent a limited amount of time on funding issues.

Based on my review of the charts developed by staff, it appears the projections for fees for generating stations operated by my company match our projections, in both the pollutant cap and facility cap scenarios. Also based on my review, the charts illustrate the point we raised during the February meeting. A limited number of facilities will be paying a large percentage of the program's costs.

Looking at the chart that displays the fees for the sixteen facilities, I estimate these sixteen facilities would be assessed an annual fee of roughly \$3,465,000. Considering a staff budget projection of approximately \$6,200,000, these sixteen facilities would provide almost 65% of funding for the operating permit program. Thirteen of these facilities are electric generating stations that are already subject to emission reduction and monitoring costs under the Federal Acid Rain Program.

I do not believe it is equitable to require these facilities to assume a majority of the costs associated with the operating permit program. These facilities comprise only about 3% of affected sources in the State, yet would be called upon to pay for 65% of the program. Due to the extensive monitoring requirements under the Acid Rain Program and the limited number of emission points at an electric generating station, utility fees assessed will heavily subsidize operating permit program costs for other sources in the State.

Iowa-Illinois Gas and Electric Company, along with several others, submitted comments during the public comment period for this program supporting a funding mechanism that would establish fees based on the first 4,000 tons emitted by a facility. Even at such a level, Iowa-Illinois recognized that utility sources would still subsidize other sources. Staff did not accept this alternative during their review of comments.

The funding mechanism for this program should be viewed solely as a funding mechanism. It isn't intended to be an emissions tax. As such, I would like to ask the Commission to accept the proposal to establish fees for the operating permit program based on the first 4,000 tons emitted by a facility. In doing so, the Commission would better align costs of the program with all

sources in the state that derive the great benefit of having a State operating permit program. I recognize that fee costs per ton would rise under this proposal, but such a change is necessary to more equitably fund this program.

Thank you."

Ron Newman (fluorescent lamp disposal)

Ron Newman, Owner of A-Tec Energy Corporation, addressed the Commission expressing concerns with fluorescent lamp disposal in landfills. He noted that during the floods last year he became aware of problems with the disposal of fluorescent lamps and ballasts. He related that under RCRA, one of the things tested for is toxicity of a material and whether or not it should be regulated and determined to be hazardous waste. He noted that in EPA testing they determined that used or spent fluorescent lamps exceed the allowable limit of mercury content. Mr. Newman stated that his facility recycles fluorescent lamps and the PCB containing ballasts. He added that he met with DNR staff to discuss reconciling the state's position that landfilling of fluorescent lamps is permissible in spite of existing state regulations which prohibit landfills from accepting hazardous wastes. He related that he will continue to work with DNR staff to resolve the inconsistency in position, and if they cannot get it resolved, he may petition the Commission for a clarification of the definition of hazardous waste.

Nancylee Siebenmann asked what Mr. Newman would like to see happen if he had his choice on this.

Mr. Newman stated that he would like the state to stand by its existing regulation that hazardous wastes are not permitted to be landfilled. He added that Minnesota and Illinois have a program where people are not allowed to landfill over 20 lamps per day and something similar to that program would be good. He explained group re-lamping which is being done by large companies.

URBAN CONTAMINATION REPORT

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Attached is a copy of the report "Urban Contamination in Iowa" recently completed by the Environmental Protection Division. Section 20, Ch 176 of the Acts of the 75th General Assembly required the Department to study the effects of urban contamination on state waters and to prepare a report based on the study.

The study consisted of a review of existing literature and research on urban contamination. Collection and analysis of samples of urban runoff or urban stream water was not done for the study because of the time and resources needed to adequately characterize urban water quality contamination.

A review of the existing literature and research led to the following conclusions:

- Urban contaminants can cause localized and occasionally severe impairments to surface waters.
- Impairments to Iowa's surface water quality from urban contamination are not as widespread as impairments due to contamination from agricultural areas.
- The types of contaminants and the types of water quality impacts related to urban areas are different from the contaminants and the types of water quality impacts related to agriculture.
- The impacts of urban contamination on small streams are poorly understood and need further study.
- Existing regulations and control programs for point source discharges have greatly reduced the water quality impacts of waste water discharged to urban streams and rivers.

The Commission will be given a brief review of the report.

(A copy of the Urban Contamination Report is on file in the department's Records Center).

Mr. Stokes reviewed legislative requirements to compile this report. He expanded on differences in runoff contents from urban and agricultural areas. He also gave a detailed explanation of impacts from runoff, and discussed existing regulations and the resulting effect on reducing point source discharge.

Charlotte Mohr questioned a statement on Page 16, noting that it indicates the use of nitrogen fertilizer has increased. She stated that it actually has decreased.

Mr. Stokes stated that nitrogen fertilizer use increased since 1945 when very little nitrogen was used according to historical records. This was what the report was reflecting. It is true that nitrogen application has decreased in recent years.

General discussion followed.

INFORMATIONAL ONLY

AIR QUALITY OPERATING PERMIT FEE ANALYSIS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Recently the Commission adopted state rules for implementation of a program for issuance of operating permits to air emission sources as envisioned under Title V of the Federal Clean Air Act Amendments of 1990. A portion of those rules establish permit fees. The rules as currently written set a per pollutant cap of four thousand tons for fee calculation purposes. The Commission asked for an analysis of the effects of establishing a per facility cap of four thousand tons for the purposes of fee calculation. The Commission will be provided with the requested analysis.

**COMPARISON OF ESTIMATED TITLE V OPERATING PERMIT PROGRAM FEES
POLLUTANT CAP V. FACILITY CAP**

POLLUTANT CAP as provided for in 40 CFR § 70.9 establishes that the state may (for presumptive fee calculations) exclude from the calculation - actual emissions of each regulated air pollutant that the source emits in excess of four thousand (4,000) tons per year (tpy). Therefore, the pollutant cap establishes a cap of 4,000 tpy per air pollutant subject to fees for each source.

FACILITY CAP proposes (for fee calculations) to exclude from calculation - the actual emissions of the total regulated air pollutants that the source emits in excess of four thousand (4,000) tons per year (tpy). Therefore, the facility cap establishes a cap of 4,000 tpy of all air pollutants combined subject to fees for each source.

FACILITIES POTENTIALLY SUBJECT TO TITLE V PERMITTING

Facility Category	Number of Facilities	CRITERIA EMISSIONS POTENTIAL (tpy)	CRITERIA EMISSIONS ACTUAL (tpy)	TOXICS EMISSIONS POTENTIAL (tpy)	POLLUTANT CAP	FACILITY CAP	Facility Cap Pollutant Cap
M	86	≥ 100	≥ 100	< 10	\$1,340,256	\$1,145,952	\$-194,304
Mt	9	≥ 100	≥ 100	≥ 10 < 25	223,440	223,440	0
MT	72	≥ 100	≥ 100	≥ 25	4,935,360	3,081,768	-1,853,592
vT	94	≥ 100	< 100	≥ 25	120,072	120,072	0
t	91	< 100	NA	≥ 10 < 25	13,728	13,728	0
T	108	< 100	NA	≥ 25	62,064	62,064	0
TOTALS	460				\$6,694,920	\$4,647,024	\$-2,047,896

FACILITIES POTENTIALLY ELIGIBLE FOR VOLUNTARY OPERATING PERMIT

Facility Category	Number of Facilities	CRITERIA EMISSIONS POTENTIAL (tpy)	CRITERIA EMISSIONS ACTUAL (tpy)	TOXICS EMISSIONS POTENTIAL (tpy)	POLLUTANT CAP (No fees paid)	FACILITY CAP (No fees paid)	Facility Cap Pollutant Cap
V	1168	≥ 100	< 100	< 10	\$596,496	\$596,496	0
Vt	12	≥ 100	< 100	≥ 10 < 25	9,504	9,504	0
TOTALS	1,180				\$606,000	\$606,000	0

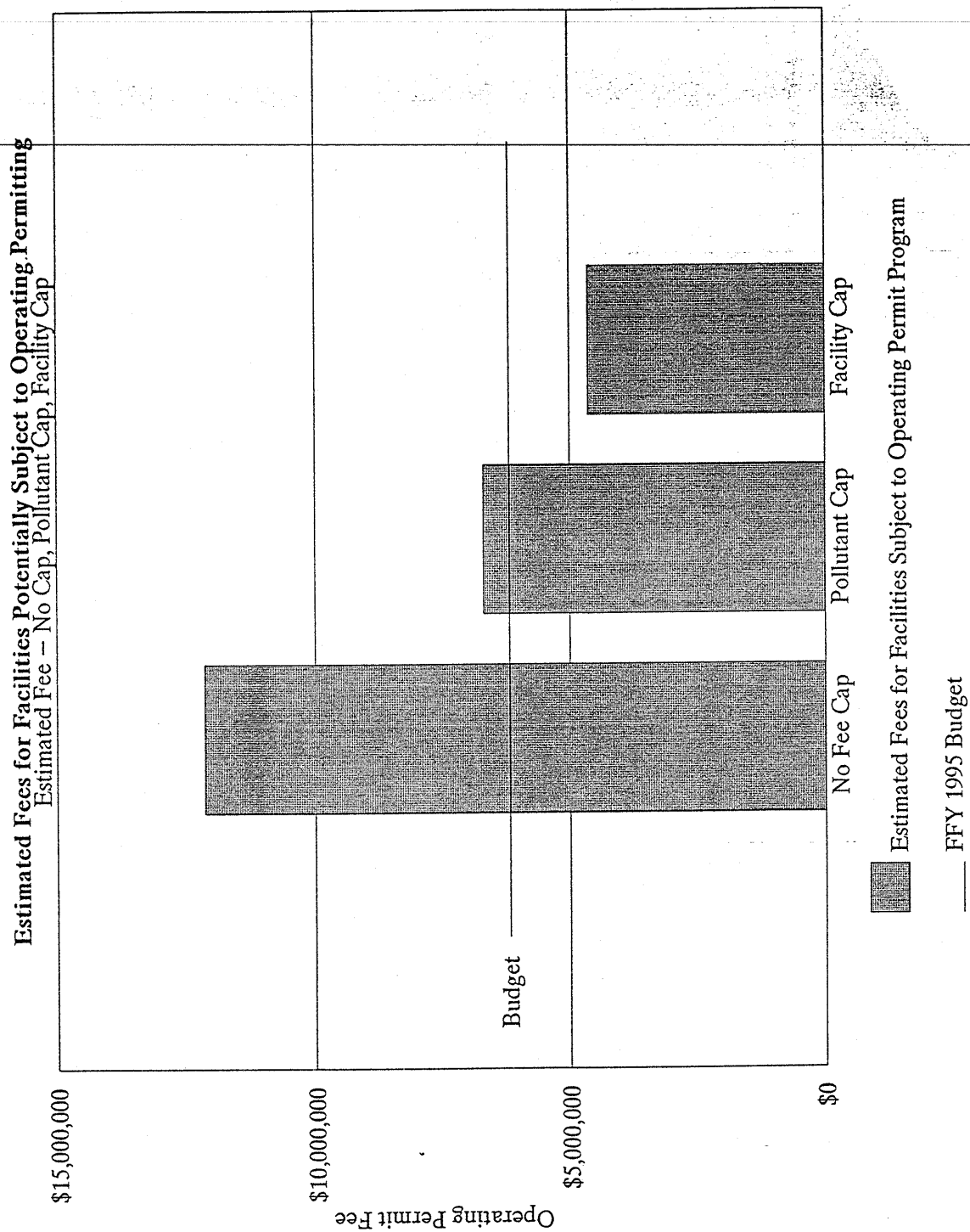
FACILITIES INVENTORIED - NOT SUBJECT TO TITLE V PERMITTING

Facility Category	Number of Facilities	CRITERIA EMISSIONS POTENTIAL (tpy)	CRITERIA EMISSIONS ACTUAL (tpy)	TOXICS EMISSIONS POTENTIAL (tpy)	POLLUTANT CAP (No fees paid)	FACILITY CAP (No fees paid)	Facility Cap Pollutant Cap
" "	1775	< 100	NA	< 10	NA	NA	NA

Definition of Facility Categories:

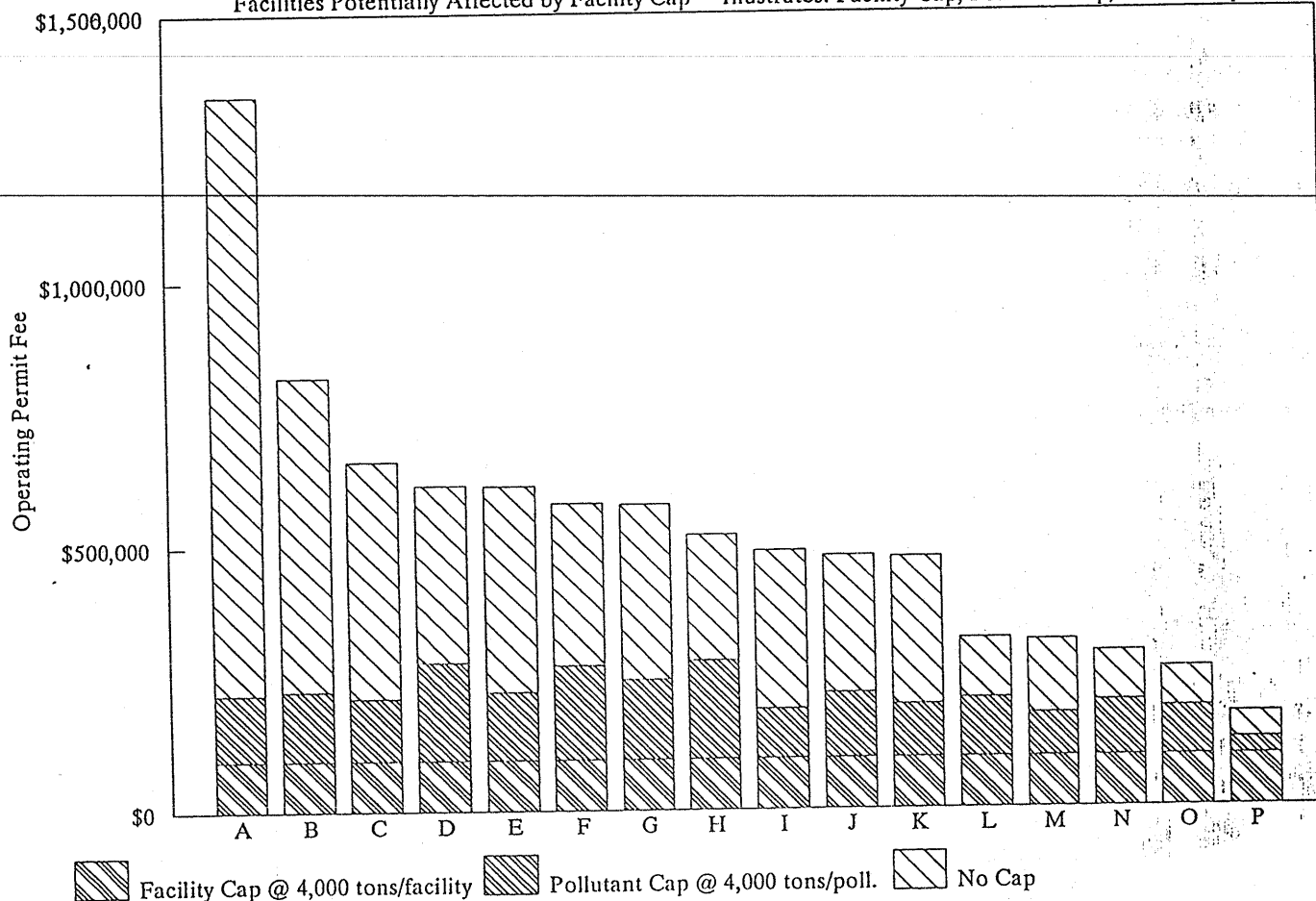
- M Major for Criteria Pollutants
- Mt Major for Criteria Pollutants, may be major for Toxics
- MT Major for Criteria Pollutants, Major to Toxics
- vT Eligible for Voluntary Program, however, Toxics may prevent participation in Voluntary Program
- t May be Major for Toxics
- T Major for Toxics, not major for Criteria Pollutants

- V May be eligible for Voluntary Program
- Vt May be eligible for Voluntary Program, may require limits on Toxics



Operating Permit Fees – Top 16 Facilities

Facilities Potentially Affected by Facility Cap – Illustrates: Facility Cap, Pollutant Cap, and No Cap



Graph Id FACILITY NAME

A	GEORGE NEAL NORTH
B	COUNCIL BLUFFS ENERGY CTR
C	GEORGE NEAL SOUTH
D	GRAIN PROCESSING CORP
E	BURLINGTON GEN STATION
F	ARCHER DANIELS MIDLAND CO
G	LEHIGH PORTLAND CEMENT CO
H	OTTUMWA GEN STATION
I	M L KAPP POWER STATION
J	IA-IL GAS & ELECT CO MUSCATINE
K	MUSCATINE POWER AND WATER
L	CENTRAL IOWA POWER COOP
M	IA-IL GAS & ELEC CO BETTENDORF
N	LANSING POWER STATION
O	SUTHERLAND STATION
P	DUBUQUE POWER STATION

Mr. Stokes stated that the Commission adopted a fee different from the presumptive fee, which was then sent to EPA, and they said they could not consider the application as final because it was done without an analysis and without documentation for justification of a lower fee. Staff did a preliminary demonstration in order that EPA consider the application complete and begin review. However, the demonstration is inadequate and needs additional work. He noted that staff will have to work back and forth with EPA to get it finalized.

~~Mr. Stokes reviewed the analysis shown above and related that if the Commission want to consider a per facility cap rather than a per pollutant cap, using \$24/ton up to 4,000/ton per facility, it would not generate enough money to meet the department's projected budget.~~

Chairperson Hartsuck commented that he had a part in asking for the fee analysis and what he had in mind was different pay options, all of which would lead to the same total income, that income equating to the costs. He added that another way to do this could be to go to a facility cap and raise the fee to \$32-\$33/ton.

Discussion followed regarding what would be an equitable fee structure for small, medium and large facilities. Consensus was for staff to prepare additional analysis/illustrations looking at different size facilities, different caps, and different rates to bring back to the Commission next month.

Chairperson Hartsuck asked if staff could also provide estimates for cost of policing the program relative to the size of the facility.

Mr. Stokes stated that it would be very difficult to do so and the estimates would be fairly subjective. He related that he could tell clearly what it takes in terms of issuing permits.

INFORMATIONAL ONLY

PROPOSED RULE--CHAPTER 20, 21, 22, AND 23, AIR QUALITY RULE UPDATES

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Attached is a proposed rule to amend the department's air quality regulations. These amendments are necessary to keep state rules consistent with federal requirements. The amendments include:

- Adding a definition for volatile organic compounds.
- Making clear what information may be used as evidence in establishing that a violation has or is occurring.
- Updating permitting requirements for sources impacting non-attainment areas to be consistent with the requirements of the Federal Clean Air Act as amended in 1990.

This proposal is being provided for information only at this meeting, and no action is requested at this time. The Commission will be asked to approve a Notice Of Intended Action at their May meeting.

(A copy of the proposed rule is on file in the department's Records Center)

Mr. Stokes gave a detailed explanation of the rules. He reviewed that the state cannot have rules ~~more stringent than federal rules.~~

William Ehm asked if changing the definition on Volatile Organic Compounds will broaden the scope of the rule.

Mr. Stokes stated that it will narrow it from its current definition making it easier for someone to comply.

Discussion followed regarding appeal process and emission offsets.

INFORMATIONAL ONLY

STATE REVOLVING FUND - INTENDED USE PLAN, FY 94

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be provided a draft State Revolving Fund (SRF) Intended Use Plan (IUP) for Fiscal Year 1994. An IUP presents the plan for the use of funds in the SRF and a list of projects projected to receive loan assistance for construction of waste water treatment facilities. The IUP is compiled according to state rule IAC 567--92. A public hearing is necessary to meet EPA requirements. The IUP is a part of the application for a capitalization grant which provides the majority of the funds in the SRF. As described in the IUP, a state bond issue provides a match (20% of the federal capitalization grant amount). The list of projects in the IUP is the State's project priority list. These projects are eligible to receive loan assistance.

This draft IUP includes all applications for loan assistance from the SRF program from FY 94 funds received to date. All cities that submitted applications are listed since the available federal funds plus the match are adequate to meet all funds requested. This will be the sixth year of the SRF program.

This draft is being provided for information only at this time. The Commission will be asked to approve a notice and public hearing on the IUP at the May Commission meeting.

(A copy of the SRF-IUP is on file in the department's Records Center).

Mr. Stokes reviewed the SRF program and requirements to do the Intended Use Plan. He noted that Iowa's share of the annual allotment will be \$16, 140,000 that can be applied to grants. He reviewed the list of communities to be funded under the SRF for FY 94. He stated that the Commission will be asked next month for their approval to take this to public hearing.

Brief discussion followed.

INFORMATIONAL ONLY

NOTICE OF INTENDED ACTION--CH. 81, WATER SUPPLY SYSTEM AND WASTEWATER TREATMENT PLANTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached Notice of Intended Action. The proposed rule modifications were developed in cooperation with the Joint Operator Certification Committee. The Committee consisted of members of the Iowa Section American Water Works Association, Iowa Water Pollution Control Association, Iowa Rural Water Association, and municipal water and waste water system operators. The proposed changes include:

- Various grammar and language clarification's.
- Update references to operational practice manuals to the most recent editions.
- Change the definition of "direct responsible charge" to separate definitions for shift operation and non-shift operation direct responsible charge. Incorporate a clarification of the duties which encompass active daily on-site operation into the definition.
- Replace the prerequisite of supervisory experience for qualifying for Grade IV certification in favor of a requirement for "direct responsible charge" experience.
- Add a definition for "issuing agency" to allow a professional organization authorized by the department to provide continuing education for the renewal or the upgrade of operator certification.
- The definitions for "direct responsible charge" and for "operator-in-charge" have been modified since the March meeting Agenda Brief. The phrase "daily operation" in these two definitions has been deleted. The phrase "on-site operation" replaces it. Also, a minor change was made to the definition of "issuing agency" dropping the phrase "CEU requirement" in favor of a more general reference. This is a clarification requested by the ad-hoc Joint Operator Certification committee.

No change to the present fee structure is proposed.

ENVIRONMENTAL PROTECTION COMMISSION (567)

Notice of Intended Action

Pursuant to the authority of Iowa Code sections 455B.211 to 455B.224 and chapter 272C, the Environmental Protection Commission gives Notice of Intended Action to amend Chapter 81, "Public Water Supply Systems and Wastewater Treatment Plants," Iowa Administrative Code.

The proposed amendments to the rule contain various grammar and language clarification. References to wastewater and water operational practice manuals have been updated to show the most recent editions of these manuals.

~~Changes have been made to the definitions found in subrule 81.1 for the definitions for direct~~ responsibility, direct surface water filtration, post high school education, and supervisory experience. New definitions are being added to this subrule for director, issuing agency, and operator-in-charge. The definition for "direct responsible charge" was changed to distinguish between shift operation and non-shift operation direct responsible charge. Clarification of the duties which encompass active daily on-site operation was included in the amended definition. The prerequisite of supervisory experience for qualifying for Grade IV certification was deleted from the definition in favor of a requirement for "direct responsible charge" experience.

A definition for "issuing agency" was added to subrule 81.1. It is defined as a professional organization authorized by the department to provide continuing education for the renewal or the upgrade of operator certification. Previously, continuing education units could only be awarded for upgrade of certificates to operators by colleges and universities. This change allows any organization qualified by the department as an "issuing agency" to provide continuing education to operators for upgrades to their certificates. A definition was added to subrule 81.1 for "operator-in-charge". This term is defined as a person or persons on-site directly responsible for a plant or a distribution system.

Any interested person may submit written suggestions or comments to the proposed rule changes through _____, 1994. Such written materials should be submitted to Michael Anderson, Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034, fax 515/281-8995. Persons who have questions may contact Michael Anderson at 515/281-6599.

Persons are also invited to present oral or written comments at public hearings which will be held _____, 1994, in the _____ of the Wallace State Office Building, Des Moines, Iowa. Any persons who intend to attend a public hearing and have special requirements such as hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

These rules may have an impact on small business.

Copies of these proposed amendments may be obtained from Sarah Detmer, Records Center, Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034.

These rules are intended to implement Iowa Code chapter 455B, division III, Part 1, and chapter 272C.

The following amendments are proposed.

ITEM 1. Amend the definitions in 567--81.1 for direct responsibility, direct surface water filtration, post high school education, and supervisory experience and adopt new definitions for director, issuing agency, and operator-in-charge as follows:

"Direct responsible charge responsibility" means, where shift operation is not required, accountability for and performance of active, daily on-site operation of the plant, or of a major segment of the plant. Where shift operation is required, "direct responsible charge" (DRC) for operators means accountability for and performance of active, daily on-site operation of an operating shift, or a major segment of the plant. A city manager, superintendent of public works, city clerk, council member, business manager, or other administrative official shall not be deemed to have direct responsible charge of a system or facility unless their duties include the active, daily on-site operation of the system or facility (on-site operation may not necessarily mean full-time attendance at the plant or distribution system.) means active, daily on-site technical and administrative supervision of a plant or distribution system. As used in this definition, "daily" refers to a plant or distribution system specific normal work schedule excluding weekends, sick leave, and vacation for example. Daily supervision may not necessarily mean full time attendance at the plant or distribution system.

"Direct surface water filtration" means a water treatment system that applies surface water and ground water under the influence (influenced groundwater as defined in rule 567--40.2) directly to the filters after chemical treatment consisting of coagulation and flocculation or chemical treatment consisting of coagulation. This type of system eliminates the sedimentation unit process.

"Director" means the director of the department.

"Issuing agency" means a professional, technical/educational organization authorized by the department to provide continuing education for certification renewal or upgrade in accordance with the commitments and guidelines detailed in the written issuing agency agreement and procedures.

"Operator-in-charge" means person or persons on-site directly responsible for a plant or distribution system. A city manager, superintendent of public works, city clerk, council member, business manager, or other administrative official shall not be deemed to be the operator-in-charge of a system or facility unless their duties include the active, daily on-site operation of the system or facility. (On-site operation may not necessarily mean full-time attendance at the plant or distribution system.)

"Post high school education" means credit received for completion of courses from given or co-sponsored by an accredited college, university, or technical institute, or issuing agency. Courses offered by regulatory agencies may also be recognized as post high school education. One year of post high school education is thirty (30) semester hours or forty-five (45) quarter hours or forty-five (45) CEUs of credit.

"Supervisory experience" means supervision of operating personnel in a plant.

ITEM 2. Amend subrules 81.2(3) through 81.2(8) as follows:

81.2(3) The operator-in-charge who has direct responsibility for the operation of a plant or water distribution system shall hold a certificate of the same classification of the plant or water distribution system and of equal or higher grade than the grade designated for that plant or distribution system.

81.2(4) Any person who is responsible for the operation of a plant operating shift or a distribution subsystem is under the supervision of the operator-in-charge identified in 81.2(3)

and shall be certified in a grade no less than a Grade II level for Grade III and IV plants and distribution systems and Grade I for all other plants and distribution systems.

81.2(5) A ~~person or~~ certified operator, ~~currently certified,~~ may obtain a duplicate certificate upon payment of the same fee as required for renewal of a certificate.

81.2(6) All owners of plants and distribution systems and operators must notify the department of a change in operators-in-charge within thirty (30) days after the change.

81.2(7) All owners of water treatment plants and water distribution systems must report to the department ~~in January of odd-numbered years on forms provided by the department, the method of treatment provided, the average daily pumpage, and the operator-in-charge.~~

81.2(8) Any certified operator ~~person who possesses a certificate~~ must report to the department a change in address within thirty (30) days after the change.

ITEM 3. Amend subrule 81.6(1) as follows:

81.6(1) All applicants shall meet the following educational and experience requirements for the grade of certificate as shown in the table below prior to being allowed to take the examination. Experience shall be in the same classification for which the applicant is applying except that partial credit may be given in accordance with 81.6(2) to 81.6(5). Directly related post high school education will be granted education credit 2.0 times the number of semester, quarter or CEU credits. The director will determine which courses qualify as directly related in cases which are not clearly defined.

Grade	Education	Education Substitution	On-The-Job Experience	Experience Substitution
I	High school diploma or GED	See Sec. 81.6(5)a.1, 2, 5	1 year	See Sec. 81.6(5)b.1, 3, 4, 5
IL	High school diploma or GED	See Sec. 81.6(5)a.1, 2, 5	1 year	See Sec. 81.6(5)b.1, 3, 4, 5
IR	High school diploma or GED	See Sec. 81.6(5)a.1, 2, 5	None	None
II	High school diploma or GED	See Sec. 81.6(5)a.1, 2, 5	3 years	See Sec. 81.6(5)b.2, 3, 4, 5
III	High school diploma or GED	See Sec. 81.6(5)a.1, 2, 5	3 years	See Sec. 81.6(5)b.2, 3, 4, 5
III	High school diploma or GED and 2 years of post high school education	See Sec. 81.6(5)a.1, 2, 3, 5	4 years	See Sec. 81.6(5)b.2, 3

IV	High school diploma or GED and 4 years of post high school education	See Sec. 81.6(5)a.1, 2, 3, 4	4 years including one year of supervisory <u>DRC</u> experience in a Grade III or IV plant	See Sec. 81.6(5)b.2, 3
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ITEM 4. Amend subrule 81.6(2)"a" through 81.6(2)"c" as follows:

81.6(2) Laboratory technicians employed in water or wastewater treatment plants are eligible for operator certification examinations as follows:

- a. Laboratory personnel with experience only in conducting laboratory analyses, including sample collection, and with no direct experience in plant operation or in making plant operation decisions may apply fifty percent (50%) credit for laboratory experience toward meeting operating experience requirements for the Grade I or Grade II certification ~~examination~~ only.
- b. Laboratory personnel employed in a Grade II or higher plant with experience in limited plant operation decisions may apply fifty percent (50%) credit for laboratory experience in meeting the operating experience requirements for the Grade I, II or III certification ~~examination~~ only.
- c. Laboratory personnel employed in a Grade III or higher system having experience in plant operation or in limited supervision of plant operation or in both may apply fifty percent (50%) credit for laboratory experience in meeting the operating experience requirements for Grade I, II, III or IV certification ~~examination~~ only.

ITEM 5. Delete the existing subrule 81.7(1) and renumber subrule 81.7(2) as 81.7(1) as follows:

567--81.7(455B) Fees.

~~81.7(1) Fees effective through June 30, 1983.~~

- ~~a. The examination fee for each examination shall be twenty dollars (\$20).~~
- ~~b. The initial certification fee shall be four dollars (\$4) for each quarter or partial quarter of a year from the date of issuance through June 30.~~
- ~~c. The annual certification renewal fee shall be twelve dollars (\$12).~~
- ~~d. The penalty fee shall be twelve dollars (\$12).~~

81.7(12) Fees effective July 1, 1983.

- a. The examination fee for each examination shall be twenty dollars (\$20).
- b. The certification fee shall be eight dollars (\$8) for each one-half year of a two-year period from the date of issuance to June 30 of odd-numbered years.
- c. The certification renewal fee shall be twenty-four dollars (\$24).
- d. The penalty fee shall be twelve dollars (\$12).

ITEM 6. Amend subrule 81.8(1) as follows:

81.8(1) All persons wishing to take the examination required to become a certified operator of a wastewater or water treatment plant or a water distribution system shall complete the "Operator Certification Examination Application" Form 48(542-3118) CFN-542-3118/CPG-63997. A listing of dates and locations of examinations is available from the central office upon request. The application form requires the applicant to indicate educational background, training and past experience in water or wastewater operation. The completed application and the application fee shall be sent to the director and addressed to the central office in Des Moines. Application for examination must be received by the department at least thirty (30) days prior to the date of examination.

ITEM 7. Delete subrule 81.9(8) as follows:

~~81.9(8) Rescinded, effective March 8, 1985.~~

ITEM 8. Amend subrule 81.10(8) as follows:

81.10(8) All activities for which continuing education credit will be granted must be approved by an accredited college, university, technical institute, issuing agency, or by the department and must be related to the subject matter of the particular certificate to which the credit is being applied.

ITEM 9. Amend subrules 81.10(10) and 81.10(11) as follows:

81.10(10) It is the certified operator's personal responsibility to maintain a written record and to notify the department of the continuing education credit earned during the period. The continuing education credits earned during the period shall be shown on the application for renewal.

81.10(11) A certified operator shall be deemed to have complied with the continuing education requirements of this rule during periods that the operator serves honorably on active duty in the military services, or for periods that the operator is a resident of another state or district having a continuing education requirement for operators and meets all the requirements of that state or district for practice there, or for periods that the person is a government employee working as an operator and assigned to duty outside of the United States, or for other periods of active practice and absence from the state approved by the director ~~board~~.

ITEM 10. Amend subrule 81.12(2) as follows:

81.12(2) This affidavit will verify that the certified operator who signed the affidavit (is the operator-in-charge), and has direct responsibility for a plant or distribution system for a municipality or other entity that does not have first rights on the services of that operator. The affidavit form shall be provided by the director and shall require the name and signature of the certified operator, the operator's certification number, class and grade, and the date of last renewal of the operator's certificate. The affidavit form shall be proof that the certified operator has agreed to be directly responsible for the operation and maintenance of the municipality's or other entity's plant or distribution system. Four duly notarized copies of the affidavit must be

returned to the director and approved by the director, based upon the ability of the certified operator to properly operate and maintain additional facilities. In event of disapproval, the municipality or other entity must terminate the agreement with the certified operator and seek the services of another certified operator. Both the municipality or other entity and the certified operator shall notify the director at least thirty days before the termination of the agreement.

ITEM 11. Amend subrule 81.13(1)"a" as follows:

81.13(1) Disciplinary action may be taken against a certified operator on any of the grounds specified in Iowa Code section 455B.219 and chapter ~~258A~~ 272C, and the following more specific grounds.

a. Failure to use reasonable care or judgment or to apply knowledge or ability in performing the duties of a certified operator. Examples of a wastewater operator's duties are specified in the Water Environment Pollution Control Federation Manual of Practice #11, 1976 1990 edition; California State University, Sacramento, (CSUS) Operation of Wastewater Treatment Plants, Volume I, 1992; CSUS Operation of Wastewater Treatment Plants, Volume II, 1991; CSUS Advanced Waste Treatment, 1987, and in the operation and maintenance manual for the plant. Examples of a water treatment or distribution operator's duties are specified in the American Water Works Association (AWWA) manuals of water supply practice (Nos. 1-233); AWWA Water Supply Operations Series Vol. 1, No. 1901, 1979; Vol. 2, No. 1906, 1984; Vol. No. 3, 1916, 1986; and Vol. 4, No. 1931, 1982; AWWA Reference Handbook: Basic Science Concepts and Applications No. 1940, 1980; AWWA Water Quality Sampling Pocket Guides No. 1857, 1990; No. 1866, 1990; No. 1870, 1992; and No. 1871, 1991; AWWA Water Distribution Operator Handbook No. 20103, 1976; AWWA Work Area Protection Handbook No. 20202, 1978; AWWA Back to Basics Series No. 73014, 1990; No. 73015, 1991; No. 73019, 1992; No. 73020, 1991; No. 73021, 1991; and No. 73025, 1992; the Texas Manual of Water Utilities Operations; and the New York Manual of Instruction for Water Treatment Plant Operators, and the California State University, Sacramento, (CSUS) Water Treatment Plant Operation, Volume I, 1992; CSUS Water Treatment Plant Operation, Volume II, 1991; CSUS Small Water System Operation and Maintenance, 1993; and CSUS Water Distribution System Operation and Maintenance, 1987.

ITEM 12, Amend 81.14 as follows:

567--81.14(455B, ~~258A~~ 272C) Revocation of certificates. Upon revocation of a certificate in accordance with the authority provided in Iowa Code section 455B.219 and chapter ~~258A~~ 272C, application for certification may be allowed after two (2) years from the date of revocation. Any such applicant must successfully complete an examination and be certified in the same manner as a new applicant.

These rules are intended to implement Iowa Code sections 455B.211 to 455B.224 and ~~258A.2 to 258A.10~~ chapter 272C.

Date

Larry J. Wilson, Director

Mr. Stokes briefly reviewed the rules.

Motion was made by William Ehm to approve Notice of Intended Action--Chapter 81, Water Supply System and Wastewater Treatment Plants. Seconded by Charlotte Mohr. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION--CHAPTER 61, WATER QUALITY STANDARDS - NUMERIC WATER QUALITY CRITERIA

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached Notice of Intended Action (NOIA) to initiate rulemaking to adopt or modify state numeric water quality criteria to reflect new or revised national water quality criteria and drinking water standards established by EPA. The proposed additions or modifications consist of:

- Criteria for Class C (drinking water supply) waters - Numeric criteria for various parameters would be added or modified to reflect the current list of chemicals with Maximum Contaminant Levels (MCL's) established in the Commission's drinking water rules. Adopting water quality criteria consistent with established MCL's recognizes that most of the chemicals with MCL's are difficult to remove with conventional drinking water treatment processes and that the ambient concentrations of these chemicals in Class C waters must be below the established MCL's to fully support the Class C drinking water use designation.
- Criteria for aquatic life and human health would be added for various chemicals for which the EPA has established specific numeric criteria and which are being discharged to or are potentially present in Iowa waters. The proposed aquatic criteria is derived from the national criteria as modified for Iowa aquatic species. Human health criteria are based on an incremental cancer risk of not greater than 1 in 100,000.

The attached NOIA is slightly different from the draft presented to the Commission for information in March. After further consultation with EPA, the numeric values for aluminum, DDT, dieldrin, endosulfan, endrin, heptachlor, hexachlorobenzene, hexachlorocyclohexane

(Lindane), and pentachlorophenol (PCP) were adjusted to reflect newer EPA data or correct errors. The number of compounds or substances for which criteria are being added or modified has not changed from the draft NOIA presented in March.

The NOIA also solicits comments on all aspects of the state's water quality standards. The Clean Water Act requires states to review their water quality standards once every three years. Suggestions for modifications received during the public comment period will be evaluated and if warranted, a separate rulemaking effort initiated to make any appropriate changes.

(A copy of the Notice of Intended Action is on file in the department's Records Center)

Mr. Stokes reviewed the rules and asked the Commission's approval to go to public hearing.

NancyLee Siebenmann asked for the meaning of "acute" and "chronic" as it relates to the rules.

Mr. Stokes stated that those are the standards for the classification for protection of aquatic life and acute is the level that would kill aquatic life immediately. Chronic is the level to which exposure will cause stress and have changes in the aquatic life through mutations or reduced population.

Rozanne King asked how these rules will economically impact water supplies.

Mr. Stokes stated that an estimate has not been done but staff will prepare a work-up on that before coming back for final adoption.

Motion was made by Rozanne King to approve Notice of Intended Action--Chapter 61, Water Quality Standards - Numeric Water Quality Criteria. Seconded by Kathryn Murphy. Motion carried unanimously.

APPROVED AS PRESENTED

PETITION FOR DECLARATORY RULING ON 23.1(3)(A)

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

Attached is a Petition for Declaratory Ruling regarding the meaning of "in danger of imminent collapse" as used in 40 CFR 61.145(a)(3), adopted by reference in rule 567 IAC 21.1(3)"a". The Department does not feel that an interpretation is necessary, and proposes to decline to issue a declaratory ruling, for the reasons stated in the attached Refusal to Issue Declaratory Ruling. If the Petitioner appeals or the Commission chooses to review this matter of it's own volition, the Commission may approve, reverse, or modify the Director's ruling, or request more information. If there is no appeal, or self-initiated review by the Commission, the refusal becomes final. In

this sense, this item is similar to the Commission's review of a proposed Administrative Law Judge's decision.

IOWA DEPARTMENT OF NATURAL RESOURCES

DECLARATORY RULING

IN THE MATTER OF:

PETITION FOR DECLARATORY RULING
ON IAC 567--23.1(3)"a"

REFUSAL TO RULE

The Petitioner, Mark A. Newman, asks that the Department provide a binding interpretation of the phrase "in danger of imminent collapse", as used in 40 CFR 61.145(a)(3), adopted by reference in 567 IAC 23.1(3)"a". By way of background, the Department rule in question adopts by reference the federal National Emission Standards for Hazardous Air Pollutants (NESHAP) for asbestos, including the referenced federal regulation. The asbestos NESHAP regulations establish detailed notification requirements and work practice standards for persons demolishing buildings containing asbestos materials, among other things. The referenced regulation deletes several of the notification and work practice requirements when the building "is being demolished under an order of a State or local government agency, issued because the facility is structurally unsound and in danger of imminent collapse....."

The Petitioner asks that the Department provide a more detailed definition of what the underlined words mean, and provides a suggested interpretation, along with several undesirable interpretations. He feels that our providing a more detailed interpretation would make him and others more secure in their practices and contractual dealings with respect to asbestos demolition projects.

The Department does not feel that it is appropriate to issue a binding legal interpretation. In the first instance, the regulation appears to be clear on its face. If a demolition is being done pursuant to a government order issued for the reasons stated in the rule, it is doubtful that the Department will be in a position to dispute the findings of structural unsoundness and danger of imminent collapse. If for some reason such dispute does arise, the resolution would have to be based on the specific facts of the case at hand, and it is impossible to speculate at this point all of the facts that may be relevant.

The Department declines to issue a ruling as requested because:

1. The Petition does not contain facts sufficient to demonstrate that the Petitioner will be aggrieved or adversely affected by the failure to issue a ruling.
2. The questions presented would more properly be resolved in a different type of proceeding, e.g. a contested case proceeding presenting real, specific facts.
3. ~~The facts or questions presented are unclear, overbroad, insufficient, or otherwise inappropriate as a basis upon which to issue a ruling.~~

LARRY E. WILSON, DIRECTOR

DATE

Mr. Murphy stated that the petition from Mark Newman asks for an interpretation of the term "in danger of imminent collapse" as it appears in the asbestos NESHAP rules. He related that staff felt it was a hypothetical question as it is difficult to anticipate all the circumstances and Mr. Newman did not provide any factual circumstances that presented a real case. In researching the law staff could not find a single EPA case where this has been an issue. He stated that the department's proposal is to decline to issue a ruling on it, and Mr. Newman was informed of that.

The Commission took no action; this has the effect of upholding the department's decision in the absence of an appeal.

PETITION DECLINED

REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The department requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. Smith Oil Company, Franklin Smith (Mt. Ayr) - tanks
- b. City of Carter Lake - drinking water

Mr. Murphy informed the Commission that the City of Carter Lake referral was deleted because staff was contacted last week by their City Attorney and it was felt that it could be handled administratively.

Smith Oil Company, Franklin Smith

Mr. Murphy briefed the Commission on the history of this case involving two different tank sites, one at Mt. Ayr and the other at Decatur City.

Motion was made by Charlotte Mohr for referral to the Attorney General's Office. Seconded by Nancy Lee Siebenmann. Motion carried unanimously.

REFERRED

GENERAL DISCUSSION

COMMISSIONER RESIGNATION

Chairperson Hartsuck announced that he will resign following the May meeting. He expressed regrets with leaving the Commission noting that he feels the Commission has done some good things for the State of Iowa. He related that when he was asked to take the position as Commissioner he was not too enthusiastic about it but his opinion has completely changed over the past five years. He stated that he has a high opinion of staff and the Director and it has been a pleasure working with them.

Commissioners Ehm and Mohr expressed their pleasure in working with Chairperson Hartsuck and related that he has made great contributions to the State.

LEGISLATIVE UPDATE

Director Wilson reviewed that he asked Don Paulin to give an update on legislation.

Don Paulin, Deputy Director, reported that he has been tracking approximately 150 bills during the session and expanded on the status of the following bills of interest to the department.

- A bill was passed that will allow the burning of buildings for training fires without removing the shingles, if they do not contain asbestos. Each fire department will be allowed to have two of these training fires per year. Mr. Paulin noted that this is in conflict with federal regulations because of the asphalt.
- No action was taken on the bottle bill; there is a possibility of an Interim Study.

- A bill introduced a year ago to create an Environmental Advocate was not acted on.
 - Bill to clarify Supreme Court decision stating that the department has no control over open, illegal dumps has passed the Senate and is still alive in the House. Mr. Paulin noted that that bill along with the SWA bill has picked up so much baggage that they probably will not pass.
-
- Bill to delay leachate control and request that landfills do not need scales is not alive.
 - Two bills dealing with UST's, one dealing with property transfers and the main UST bill are both currently tied up in the Senate. Appears there will not be any UST legislation.
 - Pesticide pre-emption bill from last year passed this year and has been signed by the Governor. This bill states that local governments cannot pass pesticide laws that are more stringent than state law.
 - A bill nullifying the rule on protected streams is alive but it is anticipated it will not go anywhere due to the action taken at the Commission's last meeting.
 - Nothing has happened this year with recycling, waste reduction measures, storm water runoff, stream filter strips or buffer areas.
 - The bill deleting the 10-year moratorium on wastewater treatment plants did not go anywhere.
 - Water supply primacy fund bill is not dead yet.
 - Appropriations bill deals with the air program but has not yet passed.

Mr. Paulin reported that the Governor has created an Environmental Livestock Task Force to investigate the whole livestock issue and make recommendations back to him and the legislature next December. Mr. Paulin serves as a member of the task force.

ADDRESS ITEMS FOR NEX MONTH

Additional air operating permit fee analysis

NEXT MEETING DATES

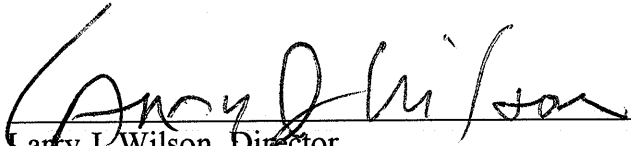
May 16, 1994

June 20, 1994

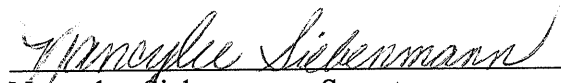
July 18, 1994

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairperson Hartsuck adjourned the meeting at 1:35p.m., Monday, April 18, 1994.


Larry J. Wilson, Director


Richard Hartsuck, Chairperson


Nancy Lee Siebenmann, Secretary

INDEX

A

Adjournment, 44
 Adoption of Agenda, 1
 Air Quality Operating Permit Fees Analysis,
 25

Air Quality Rule Updates--Chapter 20, 21,
 22, and 23
 Proposed Rule, 29
 Albertson, Tom - Public Participation (air
 operating permit fees), 22
 Approval of Minutes, 1

C

Call to Order, 1
 Clark, Jack - Public Participation (air
 operating permit fees), 22
 Commissioner Resignation
 Hartsuck, Richard (May 16, 1994), 42
 Commissioners Absent, 1
 Commissioners Present, 1

D

Director's Report, 2

F

Financial Status Report, 2

I

Intended Use Plan
 State Revolving Fund
 FY 94, 30

L

Legislation
 Update, 42

M

Monthly Reports, 7

N

Neman, Ron - Public Participation
 (fluorescent lamp disposal), 24
 Notice of Intended Action
 Chapter 61, Water Quality Standards -
 Numeric Water Quality Criteria, 38
 Chapter 81, Water Supply System and
 Wastewater Treatment Plants, 31

P

Petition for Declaratory Ruling on
 23.1(3)(a), 39
 Proposed Rule
 Chapter 20, 21, 22, and 23, Air Quality
 Rule Updates, 29
 Public Participation, 22
 Albertson, Tom (air operating permit
 fees), 22
 Clark, Jack (air operating permit fees),
 22
 Newman, Ron (fluorescent lamp
 disposal), 24

R

Referrals to the Attorney General
 Smith Oil Company, Franklin Smith, 42
 Reports
 Urban Contamination in Iowa, 24

S

Smith Oil Company, Franklin Smith
 Referrals to the Attorney General, 42
 State Revolving Fund
 Intended Use Plan
 FY 94, 30

U

Urban Contamination in Iowa Report, 24

W

Water Quality Standards - Numeric Water
 Quality Criteria--Chapter 61

April 1994

Environmental Protection Commission Minutes

Notice of Intended Action, 38
Water Supply System and Wastewater
Treatment Plants--Chapter 81
Notice of Intended Action, 31
